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3 December 1984

# East Europe Report

POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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3 December 1984

## EAST EUROPE REPORT

### POLITICAL, SOCIOLOGICAL AND MILITARY AFFAIRS

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## REVANCHISM SEEN AS DANGEROUS TO SOCIALIST STATES

Prague TRIBUNA in Czech 3 Oct 84 p 12

[Excerpts] If we look at revanchism today we can see that it is pointing almost exclusively in one direction, that is, toward the east. Not that the heirs of the old revanchist longing have forgotten all of a sudden that Alsace-Lorraine is after the Second World War still a part of France, south Tyrol a part of Italy, etc. From time to time, articles appear in the West German press arguing that the federal government should show a greater interest in the lot of Germans living in the lands of Germany's West European allies, and that today's alliance should not hinder the raising of demands for redress of "the wrongs of the past," even if they pertained to the return of a territory. However, such opinions and demands are rather exceptional.

Practically all the attention of revanchism is turned today toward the countries east of Vera and Saale, to the socialist countries. The revanchists are very much aware that if they want to enlist the support of the powerful imperialist world from Paris to other West European metropolises to Washington they must not fix their eyes upon places where this imperialism reigns but primarily (and even solely) upon places where it has lost its position. Consequently, in this opposition to socialism, in this effort to liquidate it, revanchism is of one mind with imperialism. With his concept of the Soviet Union as an "evil empire," Ronald Reagan expresses with heart and soul the revanchists' views. Thus, revanchism merges essentially with anticommunism and anti-Sovietism, and is their instrument.

The revanchists in the FRG do not like to be called by their true name. Even high officials of the FRG insist that there is no revanchism in the Federal Republic. To prove their point, they usually point out that both the Constitution as well as documents such as the so-called Charter of Expellees from the year 1950 or other such records stress that the unification of Germany, i.e., the restoration of Germany within the borders of the German Reich as of December 1937, must be accomplished by nonviolent, peaceful means.

The substance of revanchism naturally does not lie in a revelation of the methods for accomplishing its aims. There is a different situation in the world today than there was in the past. Then it was permissible to proclaim that war is a justifiable means for solving international problems. Today nobody dares to propagate war publicly; even Ronald Reagan must hide behind a peace mask. Therefore, the revanchists cannot afford to demand the realization of their aims by a declaration of a new military crusade against the East.

Naturally, what the revanchists do, what they say in their meetings and publish in the press is an extraordinarily important part of the psychological warfare of imperialism against socialist countries, which in the long run is supposed to prepare the ground for an eventual hot war. If there is someone in the FRG who is contributing to the constant revival of the fictitious tale about the threat from the East, about the Soviet danger, it is precisely the revanchists. Nowhere else do we find so many slanderous and false accounts about socialist countries as we do in the various campaigns in the press of the organizations of expellees from eastern Europe. Nobody else twists the history of nations of central and eastern Europe from a pan-Germanic, nationalistic point of view as the revanchists do in their propaganda.

All one needs to do is to open any issue of the weekly SUDETENDEUTSCHE ZEITUNG, and one finds evidence of it. To be sure, the official representatives of the FRG do not use as gross a vocabulary, they keep within diplomatic bounds, though by supporting the revanchist organizations politically, ideologically, financially and materially (for instance, by founding and supporting so-called cultural endowments, patronages, etc.) they are in reality giving aggressive, militant revanchism the green light.

How false the revanchists' proclamations about their "peaceful" intentions are is evidenced in the final analysis by the fact that they are among the most ardent defenders of the placement of the new American first-strike nuclear missiles in western Europe and of Reagan's position-of-strength policy toward the Soviet Union.

There are essentially three basic aspects to the direction of present-day revanchism:

1. With regard to the GDR, there is an effort to liquidate its socialist order and to incorporate it into a "unified German state" on a capitalist basis.
2. With regard to Poland and the Soviet Union, the aim is to seize the territories which they gained rightfully by the decision of the Potsdam Conference after the defeat of Hitler's fascism.

3. With regard to Czechoslovakia, whose territory was not a part of the German Reich in December 1937, the revanchists must find a different substantiation of their claims than that of the preceeding instances. They put forward the pretext that the expulsion of Germans, started in the year 1945, must be repudiated, and they talk about "a right to a fatherland" and to "self-determination." A part of this scheme is the declaration that it might be possible to seize Czechoslovakia's border territory, as had been done by the Munich Agreement of 1938, and to have the expelled Germans return. The revanchists naturally do not recognize the annulment of the Munich Agreement, referred to, among other places, in the 1973 treaty between the CSSR and FRG, just as they do not want to hear anything about the rightfulness of the decision of the Potsdam conference, about justice and about [the fact that] according to international law a ruling, once accepted, is valid.

The basic attitudes of revanchism are the same in all three instances. They result primarily from disrespect for the outcome of the Second World War, from anticommunism and anti-Sovietism. In the actual propaganda, however, and in other activities, the revanchists differentiate [among the three] and choose quite diverse, specific approaches. Therefore, as we go about revealing the true nature and the aims of revanchism, we should consider these differences more fully and, besides making general analyses and writing commentaries and essays about revanchism, we should pay greater attention to the activities--aimed directly against the CSSR--of the Sudeten-Germans' "Landsmanschaft" and its patrons.

It was not so long ago that among the progressive public in the FRG and in our country opinions were voiced that revanchism would disappear when the generation that stood at its cradle and nourished it for a long time dies of old age. Revanchism, however, is not the concern only of those "has-beens"; it is a part of the general imperialist policy directed against the socialist countries. Because of that, revanchism will remain one of the spearheads of imperialism as long as imperialism follows the current course of confrontation, and it will not matter if those who were rightfully expelled 40 years ago and became the pampered backbone of revanchism in the FRG are still living or not. That is why there has been for a number of years a generational turnover in revanchist organizations, that is why revanchist tendencies are coming back to life now even in the highest circles of the FRG, though the majority of their members are not expellees or even descendants of expelles from Czechoslovakia, Poland, or other countries of the European East, and though at the time of Nazi rule they were just reaching adolescence.

Thus, for socialism and peace revanchism is not an outdated danger but a danger that still persists. Opposition to pan-German and chauvinistic revanchism is not an expression of some kind of anti-German nationalism (as the revanchists try to picture it), but an expression of a socialist class policy against the voracious, savage expansiveness of imperialism.

## DISARMAMENT STAND REVEALED

Prague RUDE PRAVO in Czech 28 Sep 84 p 7

[Text] After a 2-month summer recess, the discussions on decreasing the size of the armed forces and the number of weapons in central Europe was renewed on Thursday in Vienna. At the first session of its 34th meeting, the head of the Czechoslovak delegation, Ambassador Ludek Handl, spoke.

He claimed that the United States and some of its NATO allies were to blame for the tense political atmosphere. The socialist countries are convinced that today it is necessary to turn toward political realism, cooperation and a strict adherence to the principles of parity and equal security, and they want constructive dialogue. They are determined to lead the Vienna talks out of the blind alley into which the West has sidetracked them.

Their proposals bring together the positive factors attained during the discussion, which in many respects take into account the interests of the other side. These are the proposals of February and June 1983, which make it possible to put an end to the "numerical barrier," which the West has artificially erected: the West wants a definitive and identical maximum number of troops to be stipulated for both sides.

In the meantime, however, the socialist countries have not received a constructive reply from the West to their proposals. On the contrary, the behavior of the West at Vienna has been characterized by numerous steps backward, through the broadening of the sphere of differences of opinion, the disregarding of the basic positions of the East, and unending demands for further unilateral concessions. "It is necessary for the West at last to demonstrate some political good will," concluded Ambassador Handl.

In reply to questions from journalists, the spokesman for the Czechoslovak delegation, Jozef Sestak, reminded them that the far-reaching compromise proposals of the socialist countries have been lying on the conference table in Vienna for more than a year and a half, without the West giving a constructive reply to them, or making an effort to meet them halfway. The West cannot expect the resolution of key problems only through unilateral concessions by socialist countries, emphasized J. Sestak.



## HIGHWAY ACCIDENTS IN CSSR

Prague HALO SOBOTA in Czech 29 Sep 84 p 13

[Text] After the quite conspicuous increase in highway accidents last year, we awaited with a certain anxiety the figures for the first half of this year. They were as follows: during the first 6 months of this year 42,623 accidents were recorded; the result was that 490 people died, 2,248 were seriously injured and 10,277 slightly injured. Members of the Public Security estimated the material cost of the damage at Kcs 212 million.

In comparison with the first half of 1983, there is indeed a 1.4-percent increase in accidents and the estimated material costs are Kcs 9.6 million higher (that is, 4.5 percent higher), but fewer people lost their lives. In addition, fewer people sustained either serious or minor injuries. Nevertheless, the figures are deplorable.

The largest increase in the number of accidents was for drivers of private automobiles (+653), drivers of trucks (+198), and drivers of buses (+24). In contrast to this, there was a striking decrease in the numbers of accidents caused by drivers of tractors (-106), and also of small motorcycles (-61) and regular motorcycles (-47).

However, what is alarming is that the number of accidents caused by incorrect driving increased (+5 percent), as did that caused by failure to yield the right of way in traffic (+7 percent); automobile drivers, who in many cases did not yield the right of way, caused the death of their fellow citizens (+30 percent). A total of 182 deaths can be attributed to speeding (over 56 percent of those killed were drivers of private automobiles or their passengers, 25 percent were pedestrians who succumbed as a result of errors made by drivers of private automobiles). At the same time, pedestrians are in second place as far as blame for accidents is concerned (they caused 2,563 of them). In 1 in 30 of the accidents caused by them, the party involved died. It is also necessary to bring to the attention of parents the fact that their children are also guilty of accidents. In the first 6 months of this year they contributed to a full 46.5 percent, which is 2.5 percent higher than in the preceding period.

The most frequent cause of accidents is entry into the roadway from the sidewalk or from a safety island without looking around properly; further, there is bad judgment of a situation, and also incorrect crossing of a roadway or

walking in the wrong direction. Over 56 percent of accidents were caused by pedestrians out of carelessness, 15 percent under the influence of alcohol. According to international statistics, most of the accidents caused by pedestrians fall into the 6 to 9-year-old age group.

The trend in the number of accidents in highway traffic in the first half of 1984 in comparison with the same time period last year looks favorable according to the numbers. The number of people killed was the lowest figure of the past 9 years, the number of seriously injured was the second lowest, the number of slightly injured the third lowest, only the number of accidents was the fourth highest. Nevertheless, the trend according to the specific main causes points to the fact that too often drivers do not respect the most basic provisions of the rules of the road.

12313

CSO: 2400/21



## SELECTION CRITERIA FOR ADMISSION TO COLLEGE

Prague RUDE PRAVO in Czech 16 Oct 84 p 3

[Excerpts] Each year 33,000 students are accepted for college study in Czechoslovakia, but the number interested in studying is much greater, exceeding our capacity and the needs of our socialist society as well. Thus in the 1984-85 academic year more than twice as many people displayed an interest in college study, which means that about 30,000 applications could not be accepted. As a consequence, there has been a sharp rise in the burdens and the responsibilities of the college admissions offices, whose job is to select for college study those applicants who are best suited both to their own study goals and to later application of their studies in actual practice.

For this reason we organized a round-table discussion. Attending were Prof Eng Vaclav Cisar, CSc, first deputy minister of education for the Czech Socialist Republic; Zdenek Ceska, rector of Charles University in Prague and corresponding member of the Czechoslovak Academy of Sciences; Academician Anton Blazej, rector of the Slovak Technical College in Bratislava; Prof Eng Vladimir Libal, CSc, dean of the faculty of production economics at the Economics College in Prague; Prof Dr Frantisek Kubiato, DrSc, deputy dean of the agronomy faculty of the Agricultural College in Nitra; and Prof Dr Alois Janhuba, CSc, deputy dean of the pedagogy faculty of J. E. Purkyne University in Brno.

[Question] What is the source of this great interest in college study, and what principles are used in accepting applicants?

[Cisar] The increased interest in college study is the result of social, economic, and cultural phenomena of our socialist society. It is caused primarily by the rise in the educational level, of which the clearest expression is the large proportion of youth who have achieved a complete secondary education. This is in turn obviously a result of the overall rise in the living standard in our country, which in its material aspects is particularly oriented toward children. Therefore, I consider the present situation to be a positive one from the standpoint of college education. An important problem lies in the fact that many parents consider the achievement of a college education for their children to be a matter of social prestige and in the fact that this level of study does not particularly burden the family budget. Parents should consider the study needs of their children very carefully. I have come to this conclusion from observing the annual increase in the number of students who

apply for college admission with average or below-average high-school grades, very often despite the express counter-recommendation of the high school staff.

The principles for admission are based on Law No 39/1980 of the SBIRKA ZAKONU, concerning the colleges, and on the operational announcements of both ministries of education concerning admission of students at the colleges. From this it follows that applicants are accepted in accordance with social needs and depending on their knowledge and abilities, their hopes and interests, their social and moral qualities and the state of their health.

The complex evaluation of these requirements is carried out in a relatively long preparatory period with the collaboration of a number of workers at the colleges, using computers to process information about the applicants and their achievements; their high-school grades are compared with the results of their entrance examinations, and their real interest in their chosen study area is evaluated. The colleges also see to it that the social class makeup of the students accepted corresponds to the current state and composition of our society. And in some cases it has helped to serve certain justified regional interests.

[Blazej] Since science and technology are increasingly important in the life of society, the educational level of the people will rise steadily and the proportion of college education will sharply change the range of skills in the population. If today we have only 8 percent college-educated people, this number can be expected to rise gradually. It is entirely understandable and natural, and should be a source of encouragement, that our youth is really interested in college education. I believe that it is one of the decisive factors in the further successful development of the Czechoslovak national economy.

[Ceska] The importance of education in the world is growing in proportion to scientific and technical progress. Most applicants seeking college study evince a desire for education, to make their contribution to society. Sometimes, however, we see a desire to "prolong youth"--a desire which arises from romantic notions of the easy student life and which takes little account of the strains of college study. The attractiveness of certain fields is sometimes promoted by the mass media or by cultural agencies like film. A case in point is archeology; young people imagine that our society needs many archeologists. They see the field as romantic and they do not realize that there is little social demand for it.

I should also like to discuss at some length the need for selection in admitting students to college study. It is important that only those with the best backgrounds go to college. In international circles, particularly in discussions with representatives of Western universities, we are accused of using a so-called "numerus clausus," i.e., of imposing limitations on the number of college students. I should like to point out that many Western universities, including the most renowned of them, also have a "numerus clausus." How should we answer this? We have a planned economy, and we must therefore plan the number of workers in each branch and especially we must plan the number of college students. Why do we do this? Because we want each graduate of our colleges not only to find work, but to work at a job which corresponds to his training. The capitalist countries cannot guarantee this. We could mention a number of examples: West Germany, Spain, Portugal, etc. If we did not plan properly we

would have enormous surpluses of doctors, lawyers, economists, sociologists, psychologists, and archeologists, and smaller numbers of mechanical, mining, and metallurgical engineers. For this reason we absolutely must have an admissions policy for our colleges. At any given stage of its development a society needs only a certain number of college-educated people with the necessary specialties, even if the interest in college study is much greater.

[Question] Guideline figures are established, as a function of social need, for the admission of college applicants, so that after graduation they will have jobs guaranteed by the plan. Who is involved in establishing these figures, and how reliable are they?

[Cisar] The so-called guideline figure of students accepted as college freshmen is derived from the planned need for specialists throughout the national economy. This plan is developed each year by the Federal Ministry of Labor and Social Affairs, based on the needs declared by individual fields. The need is forecast for 5 years or more, depending mainly on the length of the college study program.

[Ceska] If the number of applicants exceeds the guideline figure, it becomes necessary to turn some of them down. Charles University is usually very attractive. The guideline figure for this year was 3,086, but there were 9,235 applicants. As a result we had to reject more than two-thirds of the applicants. In some faculties the number of rejects is even higher. At the philosophical faculty, for example, there are 5 applicants for each position available, and 4.5 at the law faculty. In individual fields the number is even greater. For instance, we had 16 applicants in psychology for each position available.

[Libal] The reliability of the guideline figures for accepting applicants at our Economics College is verified by practice. In 1984, for instance, about 4,000 students applied, but the school could accept only 1,500. That is why a number of good applicants had to be rejected. It is also worth noting that 15 percent of the applicants failed to appear for the entrance examinations and offered no excuses.

[Question] Parents and the public alike are interested in the entrance examinations, in their objectivity, and in who makes the decision to accept applicants. Could you tell us something about the experience this year with the level of knowledge of the applicants?

[Ceska] Our colleges are trying to make the entrance examinations as objective as possible. What does this mean in practice? The written portion of the examinations contains test questions which are kept secret. The oral examinations are held in the form of conversations. The system of choosing at random the individual examination commissions has worked out well.

Admission to individual faculties is decided by the dean of the particular faculty. He does this on the basis of action by the admissions commission, which is in turn made up according to legal regulations and directives. Rejection by the dean can be appealed to the rector of the college, who will decide on the basis of action by the appeals commission. The admissions commissions at the individual faculties and the appeals commissions in the colleges are made

up not only of representatives of the individual schools but also of representatives of the national committees, the social organizations of the National Front, and the Socialist Union of Youth. The appeals procedure can correct shortcomings which may have arisen in the admissions process in the faculty. The public should be aware, however, that only a small percentage of students can be accepted for appeals.

[Cisar] A certain improvement can be seen in the level of knowledge of this year's applicants. It is important to note, however, that there has been a considerable increase in the number of applicants with below-average high-school grades, not reaching even 2.5, which is traditionally considered the cut-off point for high-school recommendation to college. There are even numerous cases in which students with high-school grades very close to 4 are applying to college. It would appear that the desire for a college education in these cases results more from the wishes and capabilities of the parents than those of the applicant himself. I even dare to say that these applicants are motivated more by the desire to gain certain advantages than by a determination to become productive specialists.

[Question] What are your recommendations for students interested in college study, and for their parents and schools?

[Cisar] In selecting a field of study the student must take into account social interests, the present and future needs of the socialist society. This can be expressed tersely as follows: if we are to continue to improve and develop care for people and thus be able to increase the number of doctors, teachers, artists, and other professionals, including the above-mentioned archeologists, we must produce energy, machinery, food, etc., more cheaply. This can occur only if our power-producing and machine-building industries and our agriculture receive many more thousands of capable, eager technicians, engineers, and mathematicians.

2641

CSO: 2400/46

SELECTION OF MAJOR FIELD IN CZECH COLLEGES

Prague RUDE PRAVO in Czech 2 Oct 84 p 2

[Text] For high-school seniors as well as for applicants from practical training, the period of decisionmaking is slowly coming to an end. By the end of November they must have to submitted to the administration of the school where they are studying completed applications in which they indicate the major field and the faculty that they have chosen. The number of applicants who will be accepted by colleges will be roughly the same for the 1985-1986 year as it has been this year, and will reach 20,500 in the CSR.

The experience of last year indicates that there were shortages [of applicants] in the following areas: machine technology; heat and nuclear machines and equipment; foundry technology; machines and equipment for chemical and food industry; study of metals; machines and equipment for mines and smelting works; instrument, control and automation technology. Here large numbers of students will be accepted, and chances for acceptance are therefore good.

By way of contrast, there was great interest in the areas of psychology; modern philology; translating and interpreting; education and sport; general and systematic biology; environmental protection; journalism and library science; applied art; sciences of art; teaching at health institutes. Here relatively small numbers of applicants are being accepted, and chances for non-acceptance are therefore greater.

The proceedings for acceptance by colleges are a serious matter for our whole society and must be given proper attention. In accordance with the interest of the society, the colleges strive to select students who are capable of fulfilling the tasks that our socialist society expects of them.

12435

CSO: 2400/30



## BRIEFS

SUPPORT FOR BRITISH MINERS URGED--Prague (CTK)--The WFTU issued in Prague yesterday a statement in which it sharply condemns the escalation of the conservative government's repressive actions against the striking British miners. The statement stresses that the British miners are showing exemplary courage and determination to persevere, despite the escalating repression by the government and its police forces. The government is trying to force the miners to declare their official strike "unofficial" and at the same time is trying to disturb actions of solidarity with the strikers. By trampling underfoot international trade union norms and ILO agreements, the Margaret Thatcher government attacks the sovereignty of trade unions, their rights and freedoms. It is trying to import to Europe the same methods used by R. Reagan to liquidate the strike by 5,000 air-traffic controllers in the United States, and to smash their trade union. In conclusion, the WFTU calls on all trade unionists not to permit the defeat of British miners through their being starved out or through police repression. [Text] [Bratislava PRAVDA in Slovak 31 Oct 84 p 2]

INDRA ON LUXEMBOURG VISIT--Luxembourg--Under the heading "Peaceful Coexistence Has No Alternative" the newspaper ZIETUNG VUM LETZEBURGER VOLLEK today carries a lengthy interview with Alois Indra, member of the CPCZ Central Committee Presidium and chairman of the Federal Assembly, who yesterday ended his official visit to Luxembourg. In the opening part of the interview Alois Indra praised the good level of parliamentary relations between the two countries despite their membership in different economic, military and political groupings. He appreciated the opportunities available to the parliaments of individual countries to help fulfill the conclusions of the Helsinki conference and voiced the conviction that there is no way to prevent nuclear catastrophe other than peaceful coexistence. [Text] [Prague Domestic Service in Czech and Slovak 1800 GMT 1 Nov 84]

STROUGAL DEPARTS FOR MEXICO--Lubomir Strougal, federal prime minister, left Prague by air today for an official visit to Mexico at the invitation of Miguel de la Madrid Hurtado, president of the United States of Mexico. He was seen off at the airport by deputy premiers Ladislav Gerle and Svatopluk Potac, and by other government officials. [Text] [Prague Domestic Service in Czech 0830 GMT 5 Nov 84]

CSO: 2400/77

LAW ON SUPREME COURT

Warsaw DZIENNIK USTAW in Polish 2 Oct 84 pp 553-560

[Text] Law No 241 Dated 20 September 1984 Concerning the Supreme Court

Chapter 1. General Regulations.

Article [Art] 1. 1. The Supreme Court is the superior judicial organ in the Polish People's Republic.

2. The Supreme Court stands in guard of the political and socioeconomic system of the Polish People's Republic. It protects the achievements of working people, public property and the rights and legally protected interests of citizens.

3. The Supreme Court exercises the administration of justice, protects the people's law and order and, through all of its activity, expands and strengthens the legal awareness of citizens.

Art. 2. 1. The Supreme Court exercises supervision over the activity of all other courts in the area of adjudication.

2. The Supreme Court examines cases in the area coming under special regulations.

3. The Supreme Court guarantees the propriety and uniformity of interpretation of the law and of judicial practice in the fields subject to its competence.

4. The First President of the Supreme Court informs the Council of State of the need to embark upon a legal initiative or to establish a generally binding interpretation of the law.

5. The Supreme Court may pronounce an opinion on the drafts of laws submitted.

Art. 3. The Supreme Court has its seat in Warsaw.

Art. 4. 1. The Supreme Court is composed of: the First President, the presidents and the justices of the Supreme Court.



2. The Council of State determines the number of presidents and justices of the Supreme Court.

3. Wherever the law makes reference to the justices of the Supreme Court, this also means the First Presidents and the presidents of this Court.

Art. 5. 1. The Supreme Court is divided into the following chambers: the Civil and Administrative, the Penal, the Labor and Social Welfare and the Military.

2. The Civil and Administrative Chamber exercises, within the bounds of and according to the procedure specified by the appropriate regulations, supervision over the court judicature in civil cases and in cases of complaints against administrative decisions.

3. The Penal Chamber exercises, within the bounds of and according to the procedure specified by the appropriate regulations, supervision over the court judicature in penal cases within the competence of the general courts.

4. The Labor and Social Welfare Chamber exercises, within the bounds of and according to the procedure specified by the appropriate regulations, supervision over the judicature of the courts and other organs in cases of labor and social welfare regulations, and furthermore in cases submitted on the basis of special regulations.

5. The Military Chamber exercises, within the bounds of and according to the procedure defined in the appropriate regulations, supervision over the judicature of military courts.

Art. 6. 1. Within the Supreme Court function the Judicature Office and the President's Office and, in the military chamber, the Office of Extra-Instancial Supervision.

2. The organization of the Supreme Court is defined by statute issued by the Council of State.

Art. 7. The Council of State passes the code of regulations of the Supreme Court upon the recommendation of the First President, set up by agreement with the Minister of Justice and, in the section concerning the Military Chamber, with the Minister of National Defense. The code of regulations defines in detail:

- 1) the detailed scope of the competence of the chambers and the operational scope of the Judicature Office and the President's Office,
- 2) the principles of the internal proceedings of the Supreme Court,
- 3) the proceeding before the Supreme Court and the Higher Disciplinary Court.

Art. 8. 1. At the head of the Supreme Court stands its First President who directs its work.

2. The First President performs actions stipulated by law, in trial regulations and in the statute and Supreme Court code of regulations, and furthermore performs the functions of court administration with regard to the Supreme Court.

3. The First President may examine court judicature in the area of the competence of the Supreme Court.

4. The First President has the right to examine the actions of the Supreme Court; in this area he may demand clarifications and eliminate shortcomings and flaws.

5. The examination of the judicature and inquiry into the actions of the Supreme Court may not encroach upon a field in which judges are independent.

Art. 9. 1. The presidents of the Supreme Court are the deputies of the First President. The scope and the procedure of their deputy status are defined by an order of the First President.

2. The work of each of the chambers of the Supreme Court is directed by one of the presidents of this Court, appointed to perform this function by the Council of State.

3. Article 8, paragraphs 2 to 5 apply accordingly to the president that exercises the leadership of the chamber.

Art. 10. 1. The First President of the Supreme Court informs the Sejm of the activities of the Supreme Court when it so demands.

2. The First President of the Supreme Court submit an annual report on the work of the Supreme Court to the Council of State.

Art. 11. The Supreme Court publishes a collection of its judgments including the resolution of more important legal questions and resolutions written down in the book of legal principles.

Art. 12. The justices of the Supreme Court and the members of the Judicature Office and the administrative, auxiliary and service employees of the Supreme Court that do not belong to trade unions elect the employee council whose task is to protect and represent professional and social interests, as well as to take other actions aimed at improving living, social and cultural conditions.

## Chapter 2. Procedure for the Execution of the Functions of the Supreme Court.

Art. 13. The Supreme Court exercises its functions by:

- 1) examining appeals of court rulings in compliance with the regulations of trial law,
- 2) examining extraordinary reviews of court rulings and, under the terms of special regulations, of the rulings of their organs,

- 3) passing resolutions containing guidelines in the area of interpreting the law and judicial practice for the purpose of unifying the judicature of all courts and other organs whose judicature is subject to the supervision of the Supreme Court,
- 4) passing resolutions having the purpose of clarifying legal regulations that engender doubts or whose application has led to differences in judicature,
- 5) passing resolutions that contain decisions on legal question that engender serious doubts on a specific case,
- 6) examining other cases that lie within the competence of the Supreme Court under the terms of the herin law or other laws.

Art. 14. 1. The Supreme Court, in the event of the ascertainment by examination of a case of an evident offense against regulations, independently of other authorities, points out the transgression to the appropriate court or other organ. Before pointing out the transgression, the Supreme Court may demand suitable clarification. The ascertainment and the pointing out of the transgression has no effect on the decision in the case.

2. The Supreme Court informs the head of the appropriate court or other organ regarding the pointing out of a transgression and, in cases of more serious transgressions, the head of the appropriate superior court as well.

Art. 15. In the event of the ascertainment in conjunction with the examination of a case of a serious transgression in the actions of a state enterprise or other state or social organizational unit, the Supreme Court informs the founding organ of the given enterprise or the superior organizational unit of the ascertained transgression and, in the event of need, likewise the Prosecutor General of the Polish People's Republic or the Chairman of the Supreme Chamber of Control.

Art. 16. The judges of the Military Chamber do not take part in examining appeals or extraordinary reviews whose examination is proper for another chamber, and the judges of other chambers do not take part in the examination of appeals or extraordinary reviews subject to the competence of the Military Chamber.

Art. 17. 1. The Supreme Court as an entire chamber, as a unit of the chambers combined or as the full Supreme Court passes the resolutions containing the guidelines stipulated in art. 13 point 3.

2. Upon the recommendation of the First President of the Supreme Court, the Minister of Justice or the Prosecutor General of the Polish People's Republic, the Supreme Court passes the resolutions discussed in para. 1.

3. The First President directs the motion for examination to one of the groups outlined in para. 1.

Art. 18. 1. The Supreme Court passes the resolutions stipulated in art. 13 point 4 as a unit of the seven justices, as the entire chamber, as a unit of the chambers combined or as the full Supreme Court.

2. The Supreme Court passes the resolutions discussed in para. 1 at the motion of the First President or a president of the Supreme Court, the Minister of Justice, the Prosecutor General of the Polish People's Republic and, furthermore: in cases from the area of labor and social welfare law, the Minister of Labor, Wages and Social Affairs, in cases from the area of administrative law, the President of the Superior Administrative Court, in cases from the area of invention law, the President of the Patent Office of the Polish People's Republic.

3. The First President directs a motion for examination to one of the groups outlined in para. 1.

4. The body of the seven Supreme Court justices may present a legal question for examination to the full body of a chamber, and the chamber may present it for examination to the combined chambers or the full body of the Supreme Court.

Art. 19. 1. The courts specified in special regulations and the ruling bodies of the Supreme Court are authorized to present legal questions to the Supreme Court in the basis of art. 13 point 5.

2. If a group of three or five Supreme Court justices has presented a legal question for a decision, the body of seven justices passes the resolution stipulated in art. 13 point 5, and if the body of seven justices has presented the legal question, the entire chamber passes the resolution.

3. In cases other than those defined in para. 2, a group of three Supreme Court justices passes the resolutions stipulated in art. 13 point 5. This group may present a question for a decision to the body of seven justices.

Art. 20. 1. The organs requesting that a given resolution be passed or their representatives authorized to take part may participate in a meeting of the full body of the Supreme Court, the body of combined chambers or a meeting of the entire chamber or the body of the seven Supreme Court justices. This does not apply to meetings at which the Supreme Court examines legal questions presented for decisions by the courts so authorized.

2. The participation of the Prosecutor General of the Polish People's Republic or of his deputy is compulsory at meetings of the full body of the Supreme Court, the body of the combined chambers or the full body of an entire chamber. The participation of a prosecutor or a deputy prosecutor from the Prosecutor General's Office and, in the Military Chamber, of a prosecutor or a deputy prosecutor from the Superior Military Prosecutor's Office is compulsory in other groups.

Art. 21. 1. The presence of at least two-thirds of the judges from each chamber is required for the passing of a resolution by the full body of the Supreme Court, by the body of combined chambers and by the full body of a chamber.

2. Resolutions are passed in open ballot, by a simple majority of votes and, in the event of a tie, the vote of the chairman is the deciding vote.

Art. 22. 1. For valid reasons, the appropriate group of the Supreme Court may refuse to pass a resolution and especially if there exists no need to clarify a doubt.

2. In the event that a motion is withdrawn, the Supreme Court leaves it unexamined.

Art. 23. 1. The resolutions stipulated in art. 13 point 3, containing guidelines in the area of interpreting the law and judicial practice, bind all courts and other organs whose judicature is subject to the supervision of the Supreme Court.

2. Resolutions of the full body of the Supreme Court, the body of combined chambers and of the body of an entire chamber attain the force of legal principles from the moment of their resolution. The body of seven justices may decide to give their resolution the force of a legal principle.

3. Legal principles bind all ruling bodies in the Supreme Court.

Art. 24. 1. If any body of the Supreme Court intends to depart from a legal principle, it presents the legal question that has arisen to the full body of the chamber for a decision.

2. Departure from a legal principle passed by a chamber, by the combined chambers or by the full body of the Supreme Court requires a new decision by resolution accordingly by the appropriate chamber, the combined chambers or the full body of the Supreme Court.

3. If the body of one chamber of the Supreme Court intends to depart from a legal principle passed by another chamber, the decision belongs to both chambers by resolution. The chambers may present the legal question to the full body of the Supreme Court for examination.

Art. 25. 1. The First President orders the Judicature Office to prepare the opinions discussed in art. 2 para. 5.

2. The First President may appoint the appropriate groups of judges to prepare opinions regarding the drafts of legal documents having special significance.

Art. 26. Administrative employees perform official functions, and the auxiliary and service employees of the Supreme Court perform other functions.

### Chapter 3. The Independence of Judges.

Art. 27. The justices of the Supreme Court are independent in the exercise of their judge's office and are subject only to the laws.

Art. 28. The independence of the judge does not exclude the duty to fulfill orders in the area of judicial administration. The judge may demand that an order be handed to him in writing.



Art. 29. 1. A justice may not be arrested or prosecuted penally or administratively without the permission of the Higher Disciplinary Court. This does not extend to arrest in the very act of committing a crime. Only actions of the utmost urgency may lead to the issuance of a resolution permitting the penal or administrative prosecution of a justice.

2. Until a decision is reached on a motion to permit the prosecution of a justice, the Higher Disciplinary Court may order the immediate dismissal of a justice arrested in the act of committing a crime.

3. In the course of 7 days from the submitting of the resolution refusing permission for the penal or administrative prosecution of a justice, the organ or person requesting the permission or the disciplinary spokesman is entitled to complain to the Supreme Disciplinary Court. During this same period, the justice in question is entitled to render a complaint against the resolution permitting his penal prosecution.

4. A justice is responsible for a transgression only disciplinarily.

#### Chapter 4. The Appointment and Dismissal of Supreme Court Justices.

Art. 30. 1. The following may be appointed to the position of Supreme Court justice:

- 1) one who possesses Polish citizenship and enjoys full civil and citizen's rights,
- 2) one who guarantees the proper execution of the duties of a justice of the Polish People's Republic,
- 3) one who is of unblemished character,
- 4) one who has completed higher legal studies and has gained the title of master of law,
- 5) one who has distinguished himself by a high level of legal knowledge and professional experience,
- 6) one who possesses the qualifications for the position of justice stipulated in the appropriate regulations, and furthermore produces evidence of at least a 10-year period of work or service in the position of judge, prosecutor, arbitrator and legal adviser or of the practice of the profession of lawyer or work in an independent position in the organs of the state administration, in which he has been associated with legal practice, especially participation in handing down rulings.

2. The requirement discussed in para. 1 point 6 does not apply to professors of the legal sciences in Polish higher schools, in the Polish Academy of Sciences and in other scientific and scientific-research institutions.

3. Only career officers may be appointed to the position of justice in the Military Chamber.

Art. 31. 1. The Council of State appoints the Supreme Court in its full complement for a period of 5 years.

2. The Council of State appoints the First President and the presidents of the Supreme Court from among the judges of the Supreme Court and removes them from these positions.

Art. 32. The candidates for the Supreme Court are:

- 1) the Supreme Court justices from the preceding term,
- 2) persons whose candidacy is submitted by the First President of the Supreme Court.

Art. 33. 1. The First President of the Supreme Court submits an opinion to the Council of State regarding the persons named in art. 32 point 1.

2. The First President presents the Council of State with the candidates for Supreme Court justice from among:

- 1) judges--by agreement with the Minister of Justice,
- 2) military judges and legal advisers being professional soldiers--by agreement with the Minister of National Defense,
- 3) prosecutors--by agreement with the Prosecutor General of the Polish People's Republic, and from among military prosecutors also by agreement with the Minister of National Defense,
- 4) other legal professions--by agreement with the Minister of Justice.

3. The First President polls the opinions of the College of the Supreme Court regarding all candidates.

4. The approval of each candidate must be obtained with regard to his candidacy.

Art. 34. 1. The Council of State may also appoint Supreme Court judges from among other persons than those named in art. 32.

2. During the period of the term of the Supreme Court, the Council of State appoints the First President and the presidents, as well as the justices of the Supreme Court to vacated or newly opened positions for a period to the end of the term.

Art. 35. 1. Persons related to each other by blood to the second degree inclusive or by marriage to the first degree as well as spouses may not be justices of the Supreme Court in the same chamber, nor may they participate in the same ruling body, or be directly subject to one another officially.

2. A person whose spouse practices the profession of lawyer may not be a justice of the Supreme Court.

Art. 36. 1. The official position of a Supreme Court justice begins with the moment that he is handed the official announcement of appointment.

2. A justice should submit notification regarding the acceptance of a position within 14 days from receipt of the official announcement of his appointment, if no other deadline is stated.



3. In the event of the unwarranted failure to accept a position by the deadline stated in para. 2, the appointment loses its legal force; this circumstance is ascertained by the First President of the Supreme Court.

Art. 37. 1. In accepting a position, a Supreme Court justice takes an oath before the First President according to the following form:

"I solemnly swear, in the position entrusted to me of justice of the Supreme Court, with all my powers, to do my share in my field of work to strengthen the freedom, independence and universal development of the Polish People's Republic, to which I shall always remain faithful; to stand in guard of Her political, social and economic system, to protect the achievements of working people, public property and the law and the legally protected interests of citizens, to guard the people's law and order and to strengthen the legal awareness of citizens; to perform the duties of my office conscientiously, to administer justice impartially according to my conscience and in compliance with the regulations of the law, to preserve state and official secrets, and in my behavior to be directed by the principles of self-respect, honesty and social justice."

2. The oath is taken at a meeting of the College of the Supreme Court.

3. The First President takes the oath before the Chairman of the Council of State.

4. Justices of the Supreme Court who are re-appointed do not take the oath.

Art. 38. 1. The Council of State dismisses a justice of the Supreme Court if he:

- 1) has abandoned his position,
- 2) has taken a position that creates a conflict of interests with his judgeship,
- 3) due to illness, infirmity or the decline of his faculties has become permanently incapable of performing the duties of justice of the Supreme Court,
- 4) does not guarantee the proper performance of duties of justice of the Supreme Court,
- 5) is over 70 years of age; the Chairman of the Council of State, at the motion of the First President or upon his own initiative may approve continued assumption of the position, but not longer than the end of the term.

2. The Council of State may dismiss a justice of the Supreme Court if, for reasons of illness and a paid leave to recover health, he has not served unbroken for a period of more than a year; periods of previous interruption of the performance of service due to illness and a paid leave to recover health are included in this period if the period of active service has not exceeded 30 days.

3. The First President makes the motion to dismiss a justice of the Supreme Court, and in the case of a justice of the Military Chamber, by agreement with the Minister of National Defense. Before making the motion for dismissal

for the reasons outlined in para. 1 points 3 and 4 and in para. 2, the First President polls the opinions of the College of the Supreme Court and hears the explanations of the person in question, unless this is impossible.

4. The abandonment by a justice of the Supreme Court of his position may occur without reasons being offered. However, a justice may leave this position only after receiving an official notice of dismissal.

5. A Supreme Court justice who is not appointed to a new term or who has been dismissed for the reasons named in para. 1 points 1 and 2 has the right to return to his position previously occupied or to obtain a position equal to that previously held, if there are no other legal obstacles. Likewise, he has the right to be entered into the register of lawyers without the restrictions stipulated in the law on advocacy regarding other judges.

Art. 39. A legally valid ruling of the appropriate disciplinary court regarding the dismissal of a justice from service carries with it, by force of law, the loss of the position of justice of the Supreme Court.

Art. 40. A justice of the Military Chamber may not be dismissed from professional military service before being dismissed from his position as justice of the Supreme Court or before loss of this position.

Art. 41. 1. At the motion of the First President, the Minister of Justice may delegate, for a period of up to 3 months in the calendar year, a judge of the Superior Administrative Court, a judge of the provincial court or a judge of the district court of labor and social welfare to perform the duties of judgeship in the Supreme Court. The delegation of a judge of the Superior Administrative Court to perform the duties of judgeship in the Supreme Court requires the approval of the president of this Court.

2. The authorization of the Minister of Justice specified in para. 1 belongs accordingly to the Minister of National Defense with regard to the judges of military courts in the area of delegating those judges to perform the duties of judgeship in the Military Chamber of the Supreme Court.

3. At a motion of the First President, the Minister of Justice may delegate, for an unspecified period, a judge of the provincial court or a judge of the district court of labor and social welfare, with the judge's approval, to perform duties in the Judicature Office.

Art. 42. 1. Either another Supreme Court justice or a judge of another court delegated to perform the duties of judgeship in the Supreme Court may replace a Supreme Court justice assigned according to a division of functions.

2. Only one judge of another court delegated to perform the duties of judgeship in the Supreme Court may participate in a ruling body of the Supreme Court. The delegated judge may not be the chairman.

3. Judges delegated to perform the duties of judgeship in the Supreme Court may not participate in meetings of the full body of the Supreme Court, of combined chambers and of an entire chamber.

## Chapter 5. The Duties and Rights of a Supreme Court Justice.

Art. 43. 1. A justice is obliged to serve faithfully the Polish People's Republic, to perform conscientiously the duties that arise from the judge's oath and to raise continually the level of his public awareness and professional knowledge.

2. A justice should, both within and outside of service, guard the reputation of the court and avoid everything that could be detrimental to the dignity of judge. He may not take part in such public acts as could weaken confidence in his impartiality and faithfulness to the Polish People's Republic.

Art. 44. The work time of the justice is defined by the extent of his tasks.

Art. 45. 1. A justice is obliged to preserve the secrecy of the circumstances of a case of which he has become aware outside of the open court hearing due to his judgeship.

2. The duty to preserve secrecy also continues after he has terminated his official relationship.

3. The duty to preserve secrecy ceases when the justice serves as a witness before the court unless the revelation of a secret endangers the good of the State or such important private interest as in not is conflict with the goals of the administration of justice. In such cases, the First President may relieve the justice from the duty to preserve secrecy.

Art. 46. 1. If a special regulation does not indicate otherwise, a Supreme Court justice is not permitted to continue in another work relationship in addition to his judgeship, with the exception of the work relationship of professor in a higher school or in a scientific-research institution.

2. Likewise, a judge may not embark upon another activity that would hinder the performance of the duties of judgeship or would be beneath his dignity or would shake confidence in his impartiality.

3. The undertaking by a justice of an additional activity requires the approval of the First President.

Art. 47. A Supreme Court justice may not be delegated to perform either a judge's or administrative functions outside of the Supreme Court, unless this is allowed by a special regulation.

Art. 48. 1. A justice may submit any requests, presentations and complaints in cases related to his judgeship only in an official capacity.

2. In such cases, a judge may not address a request to outside institutions and persons or make these cases public knowledge.

Art. 49. A justice should immediately inform the First President of an ongoing court case in which he is appearing as a party or as a participant in the proceeding.

Art. 50. The Council of State defines the principles of emolument of justices of the Supreme Court and members of the Judicature Office.

Art. 51. 1. After 15 years of work, a justice is entitled to an additional vacation of up to 12 working days. The work period on which the additional vacation is contingent includes all periods of employment in organs of the administration of justice as well as other work periods, if such employment has entitled him to an additional vacation.

2. At his request, a justice may be granted a paid leave to recover his health or to resolve important personal and family matters.

3. A recuperative leave may not exceed 6 months, and a leave for other reasons may not exceed 1 month in the course of the calendar year.

4. A recuperative leave may not be granted if the justice has not served for a year for reasons of sickness. Art. 38 para 2 applies in the calculation of the year's period of nonservice for reasons of sickness.

5. During the period of absence from work for reasons of sickness, the justice receives his salary, but not longer than for a period of 1 year.

Art. 52. A justice who has been granted a pension or an annuity may use his heretofore title, adding the term "retired."

Art. 53. 1. In cases of claims arising from the official relationship of Supreme Court justices and judges that are members of the Judicature Office, official channels are competent. Decisions of the First President regarding a Supreme Court justice and a judge who is a member of the Judicature Office may be appealed to the Chairman of the Council of State.

2. The persons named in para. 1 in cases of claims regarding an official position are not entitled to use judicial channels.

#### Chapter 6. Disciplinary Responsibility.

Art. 54. 1. A Supreme Court justice is responsible disciplinarily for official offenses and transgressions against his station.

2. A justice is responsible disciplinarily as well for his behavior before accepting the position, if such behavior involved transgressing against the duty of the state office then held by him or if he showed himself to be unworthy of the position of justice.

Art. 55. 1. After the passage of 1 year from the time of the action, a disciplinary proceeding may not be initiated and, in the event that it is initiated, it is subject to discontinuation.

2. If, however, the act is of a criminal nature, the expiration of the period during which disciplinary action may be taken may not occur earlier than the same as stipulated in the regulations of the Penal Code.

Art. 56. 1. Disciplinary penalties include:

- 1) an admonition,
- 2) a reprimand,
- 3) dismissal from one's position,
- 4) removal of one's judgeship.

2. A disciplinary penalty of a reprimand or of dismissal from one's position carries with it the removal of the possibility for a promotion for 3 years and the impossibility of regaining the lost position during this time.

Art. 57. Disciplinary courts are appointed to hand down rulings in disciplinary cases of Supreme Court justices:

- 1) in the first echelon--the Higher Disciplinary Court, which rules as a body of three Supreme Court justices,
- 2) in the second echelon--the Supreme Disciplinary Court, which rules as a body of five Supreme Court justices.

Art. 58. 1. An extraordinary review may be submitted to the Supreme Disciplinary Court for every legally valid ruling concluding a trial in the cases specified in art. 54 by:

- 1) the First President of the Supreme Court, on a disciplinary ruling of the Higher and Supreme Disciplinary Court,
- 2) the Minister of National Defense, on a disciplinary ruling with regard to a Supreme Court justice from the Military Chamber.

2. An extraordinary review called against the defendant may be introduced only within 6 months of a ruling that is legally valid.

3. An extraordinary review of the Supreme Disciplinary Court ruling, which ruling occurs as a result of the examination of an extraordinary review, is not permitted.

4. An extraordinary review of a Supreme and Higher Disciplinary Court ruling is examined by the Supreme Disciplinary Court as a body of seven justices, excluding those justices who handed down the appeal ruling. An extraordinary review of the rulings of other disciplinary courts is examined by the Supreme Disciplinary Court as a body of three justices.

Art. 59. The resumption of a disciplinary proceeding called against the defendant may occur upon the motion of the First President, if the discontinuation of the proceeding or the handing down of a sentence has occurred as a result of a crime, or if, in the 5 years since the discontinuation or the handing down of a sentence, new circumstances or evidence come to light that may justify sentencing or the administration of a more severe penalty.

Art. 60. 1. The resumption of a disciplinary proceeding called against one who has been sentenced may occur even after his death, if new circumstances



or evidence come to light that may justify an acquittal or the administration of a lighter sentence.

2. In the event of the death of one who has been sentenced, a motion to resume a proceeding may be made by: a spouse, a direct blood relative, one who has become a parent or child through adoption or a disciplinary spokesman.

Art. 61. The General Assembly elects the body of at least 12 members of the Higher Disciplinary Court from among the justices of the Supreme Court, including 4 substitutes for the chairman, and elects the chairman of this Court from among the presidents of the Supreme Court.

Art. 62. The General Assembly elects the body of 12 members of the Supreme Disciplinary Court from among the justices of the Supreme Court, including 2 substitutes for the chairman, and elects the chairman from among the presidents of the Supreme Court.

Art. 63. The Higher Disciplinary Court may suspend a justice from performing his official duties when a penal or disciplinary proceeding has been initiated against him or when he is incapacitated.

Art. 64. 1. If a Supreme Court justice has been arrested for being caught in the act of committing a crime or if, due to the kind of act committed by the justice, the reputation of the court or vital official interests require his immediate removal from performing official duties, the First President may order the immediate cessation of his official duties until such time as the appropriate resolution is issued by the Higher Disciplinary Court.

2. The First President informs the Higher Disciplinary Court of this order, whereupon the court immediately passes a resolution regarding the suspension of the justice from performing his official duties or the withdrawal of the order regarding the cessation of official duties.

Art. 65. The suspension ceases being legally valid with the moment of the legally valid conclusion of a disciplinary proceeding, unless the disciplinary court has withdrawn it earlier.

Art. 66. 1. In the cases stipulated in art. 29 and regarding the suspension or withdrawal of the order for the cessation of duties discussed in art. 64 para. 1, the Higher and the Supreme Disciplinary Courts pass a resolution at their meetings after hearing out the disciplinary spokesman and the justice in question, unless this is impossible.

2. The justice is entitled to render a complaint against the resolution for suspension and the disciplinary spokesman is entitled to render a complaint against a resolution regarding the withdrawal of the order to cease performing duties.

3. The complaint does not stop the execution of the resolution.

4. The Supreme Disciplinary Court examines the complaint.

Art. 67. The disciplinary spokesman appointed from among the justices of the Supreme Court according to art. 73 point 2 is the plaintiff before the Supreme and Higher Disciplinary Courts.

#### Chapter 7. The Collegial Organs of the Supreme Court.

Art. 68. The following collegial organs function within the Supreme Court: the General Assembly of the Justices of the Supreme Court, the assembly of the justices of the chambers of the Supreme Court and the College of the Supreme Court.

Art. 69. Justices delegated to perform the functions of judgeship in the Supreme Court do not participate in the meetings of the General Assembly and the assemblies of the chambers.

Art. 70. 1. The scope of the functions of the General Assembly includes:

- 1) the discussion once each year of the report of the First President regarding the overview of the work of the Supreme Court and the basic problems arising from current judicature; in these cases, the First President may invite the directors of the superior organs of the state administration and other superior and central state organs to take part in the General Assembly,
- 2) the hearing once each year of reports on the work of the College of the Supreme Court and the disciplinary courts,
- 3) the election of disciplinary courts for a period of 1 year,
- 4) the examination of other cases of a general nature upon the motion of the First President or upon the initiative of the College of the Supreme Court.

2. The First President is the chairman of the General Assembly.

3. The presence of at least 2/3 of the judges of each chamber is indispensable for the statement of a position or the passing of a resolution on a given question by the General Assembly. A majority vote decides the results of the voting. In the case of a tie, the chairman's vote is the deciding one.

Art. 71. 1. The scope of the functions of the assemblies of the justices of the chambers of the Supreme Court includes:

- 1) the discussion once each year of the report of the president that heads the chamber regarding the work of this chamber and the basic problems arising from the judicature of the chamber; in these cases, the president of the chamber may invite the representatives of the organs discussed in art. 70 para. 1 point 1 to participate in the assembly of the chamber,
- 2) the election for a period of 1 year of two members and one substitute to the College of the Supreme Court.

2. The president of the chamber is the chairman of the chamber assembly.

3. Art. 70 para. 3 applies accordingly.



Art. 72. 1. The College of the Supreme Court includes: the First President, the presidents of the Supreme Court, the director of the Judicature Office and the director of the President's Office and the justices of the Supreme Court elected by the chamber assemblies.

2. The First President presides over the meetings of the College.

3. Resolutions of the College pass by a simple majority vote. In the event of a tie, the vote of the chairman is the deciding vote.

4. Representatives of political, social and professional organizations may be invited to meetings of the College.

Art. 73. The scope of the functions of the College of the Supreme Court include:

- 1) establishing, for the period of a year, the distribution of functions consisting especially of the assignment of justices to the specific chambers and departments,
- 2) the appointment and dismissal of the disciplinary spokesman and his substitutes,
- 3) the rendering of an opinion on candidates for justice of the Supreme Court,
- 4) the rendering of an opinion on the motions of the First President regarding the removal of a justice of the Supreme Court,
- 5) the rendering of an opinion on candidates for leadership positions in Supreme Court chambers and offices,
- 6) the rendering of an opinion on the division of chambers into departments and of the Judicature Office into sections,
- 7) the rendering of an opinion on the draft of the organizational statute and code of regulations of the Supreme Court and the decree of the First President on the issue of the organization and scope of functioning of court secretariats and other administrative units in the Supreme Court,
- 8) the discussion of the drafts of reports submitted to the Sejm and the Council of State,
- 9) the expressing of an opinion upon the recommendation of the First President and the presidents of the Supreme Court and on its own initiative on other questions concerning the Supreme Court.

Chapter 8. Special Regulations, Changes in Binding Regulations and Provisional and Concluding Regulations.

Art. 74. The herein regulations of the law apply to the First President, the presidents and the justices of the Supreme Court appointed for the 1982-1987 term.

Art. 75. In cases not regulated by the herein law, the regulations of the law on the system of the general courts apply accordingly to the Supreme Court and to the justice of this Court, and in cases not regulated in that law, the regulations of the law on employees of state offices apply.

Art. 76. 1. The regulations of the law on the system of the military courts apply accordingly to the organization and scope and procedure of operation

of the Military Chamber of the Supreme Court and to the judges of that chamber, if they are not in conflict with the regulations of the herein law.

2. In the cases specified in art. 38 para. 1 point 5, art. 44, art. 48, art. 50, art. 51 para. 2-5 and art. 52, the regulations on the service of professional soldiers and other military regulations apply to the justices of the Supreme Court.

Art. 77. The following changes are introduced into the civil proceeding Code:

- 1) in art. 48, para. 3 is added to read:  
"Para. 3. A judge who has taken part in issuing a ruling containing a complaint with regard to resumption or a person sentenced during the course of an extraordinary review may not rule on this complaint or this review.",
- 2) In art. 420, para. 3 and para. 4 are added to read:  
"Para. 3. The examination of extraordinary reviews of Supreme Court rulings is done by the body of the seven justices of the Supreme Court.  
Para. 4. The examination of extraordinary reviews of rulings of the Superior Administrative Court is done by the body of five justices of the Supreme Court."

Art. 78. 1. The law dated 15 February 1962 on the Supreme Court (DZIENNIK USTAW No 11, item 54; from 1972, No 23, item 166; from 1974, No 39, item 231; from 1980, No 4, item 8 and from 1984, No 35, item 187) is no longer in force.

2. The relevant executory regulations issued on the basis of the law named in para. 1 remain valid until such time as the executory regulations stipulated in the law are issued, if such regulations are not in conflict with the herein law.

Art. 79. The law comes into force with the date of its pronouncement.

[signed] Chairman of the Council of State: H. Jablonski  
Secretary of the Council of State: J. Szymanek

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CSO: 2600/63

LEGAL TASKS IN MINISTRY OF INTERNAL AFFAIRS DEFINED

Warsaw RZECZPOSPOLITA in Polish 17 Oct 84 p 6

[Interview with Colonel Zdzislaw Galinski, department head in the Organizational-Legal Office of the Ministry of Internal Affairs, by Ewa Kozierkiewicz: "The Legal Adviser in the Ministry of Internal Affairs: Important Tasks"]

[Text] The law on legal advisers which the Sejm passed on 6 July 1982 defined the organization and principles for performing legal service and its immediate goal--the strengthening of the legal system, protecting the interests of the organizational unit which engages a counselor, and respecting the civil rights in this unit's activities.

Thus no ministry, particularly the Ministry of Internal Affairs, can dispense with counselors. The legal problems here are exceptionally varied and complicated. They include not only well-known issues in general--that is, protecting the security of the state and the life, health, and property of citizens and assuring law and order--but also the protection of state borders and socioadministrative matters arising from the regulations on associations and meetings, the census and identity cards, Polish and foreign citizenship, registration records, weapons and ammunition, and many other things. They also concern matters arising from the supervision performed by the minister of internal affairs over the firefighting service, misdemeanor collegiums, the Voluntary Reserve of the Civic Militia, and the industrial guard.

What, then, are a legal adviser's tasks in this ministry, and in what does the essence of his work in performing legal service consist? Col Zdzislaw Galinski, department head in the Organizational-Legal Office of the Ministry of Internal Affairs, answers this question.

"A legal adviser in the Ministry of Internal Affairs is a lawyer and at the same time a functionary. His role and tasks are therefore defined not only by the regulations in the law on legal advisers, but also by the law of 31 January 1959 on the service of functionaries in the Civic Militia (in relation to counselors who are professional soldiers by the

provisions of military labor relations). In performing the ministry's legal service, therefore, he must show, in addition to high professional qualifications, familiarity with the organizational structure and the complicated mechanisms of the activities of the particular services in the ministry.

"For this reason, only a graduate of law school with appropriate preparation can fulfill this service. A decided majority of the counselors are persons who not only give evidence of diligent application but also have a rich legal background and many years of experience with work in our ministry. For such a person must be familiar with conditions comprising all aspects of the state and systematically observe their influence on the change of tasks within the ministry. For example, the issues of the economic reform and of the form which trade turnover has assumed up to date, the principles of entering into contracts, the independence of enterprises and so forth cannot be unfamiliar to any of our legal advisers, however indirect their relation to the basic activities of the ministry.

"We are systematically soliciting work in the area of giving advice on and popularizing the law. There is a great need here because of the above-mentioned variety of legal problems in the activities performed by ministerial units, but this need is particularly connected with the law of 14 July 1983 on the office of the minister of internal affairs and the range of activity of the organs subordinate to him (with the dozen or so executory documents which accompany the law). To whatever degree the law began the process of getting ministry law into order, one still has to emphasize that at present our activity is closely connected with about 30 laws, over 70 decrees of the Council of Ministers and the minister of internal affairs, just as many resolutions of the council of ministers, and several hundred scattered legal documents of lower administrative offices.

"One of the most important areas of a counselor's work is giving advice on and popularizing regulations concerning the authority of civil militia functionaries, especially intervention authority aimed at preserving law and order. For functionaries should be taught a choice in means of intervention appropriate to the situation and clearly within the law.

"In the event of breaking rules or of official negligence, the functionary bears responsibility for the effects of such action in keeping with his guilt.

"Meanwhile, the counselors are obligated to the ministry to give it assistance, whether in the form of legal advice, choice of defense, or notification of surety possibilities. If, however, the breaking of the law was conscious or, what is worse, resulted from base motives, then no protection whatsoever on the part of the counselor is vested.

"The ministry's legal service has an important task in striving to prevent court or arbitration proceedings. For example, in the case of a

functionary's guilt and resultant losses sustained by the victim, the consultative-advisory function when properly executed by counselors allows for an amicable settlement of the dispute and for what goes along with that--the protection of the financial interests of the state.

"Finally, the counselor's participation in working out and forming legal documents both for the ministry and for universally obligatory application is significant. Through creating, interpreting and putting the law into practice for everyday use, they have a direct influence on the improvement of legal regulations and on the greater efficiency of the legislative process in the ministry.

"All this does not change the need for further professional improvement and continued study of the specific character of the functioning of ministry services and individuals and for still greater sensitivity to possible offenses and irregularities. We also reply on presenting to supervisors proposals which serve to strengthen law and order, to manage property rationally, and to make the process of administration and management more efficient. We also expect from the counselors more effective influence on the formation of proper relations outside the ministry--between the office and the citizen--and relations inside the ministry--between those in charge and their subordinates.

"Legal service is an essential element in the strengthening of socialist law and order and in the actions of the individuals and functionaries in our ministry, who fulfill very responsible and difficult tasks."

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LOCAL SECURITY CHIEF SPEAKS TO PRESS

Wroclaw GAZETA ROBOTNICZA in Polish 4 Oct 84 p 3

[Interview with Lt Col Henryk Kowalik, chief of the Regional Office of Internal Affairs in Swidnica, b. Tadeusz Dudz: "Nothing Can Replace a Man"; time and place not given]

[Text] When the war started, Lt Col Kowalik was 15 years old. He spent the occupation period in the Kielce region, where he tried various jobs: he helped his father on the farm, was a mechanic, tried to get a job with the railroad. He escaped twice from transports taking him to forced labor. The second time, being already in the Reich, near Silesian Blachownia, he jumped out of the last car. Dressed as a local ore miner, thanks to the Silesian people's help, he crossed back over the border and reached his cousin in Czestochowa.

After the war he helped his father to rebuild the home which was burned down by the occupiers and, together with his older first cousin, went to the Recovered Territories. They stopped in Jawor--he had to think about a permanent job. It was 1945.

[Question] What made you decide to put on the militia uniform?

[Answer] Well, at first we did not put on any uniform; anyway, not like the ones we have today. One wore civilian clothes and just put on a white and red armband, or one wore a mixed civilian-military outfit, sometimes a German camouflage uniform, etc.

What was the deciding factor? Really, I do not know. Did a young man in those days make all decisions deliberately? The work seemed more interesting than others and a bit mysterious, there were some risks to be expected, it aroused some emotions. Those things attract young men. Perhaps it was the example of the older brother. Anyway, I applied in September and on 5 October 1945 I started to work in the Security Office in Jawor.

[Question] What was your first job?

[Answer] Sentry duty. After 3 months I commanded a guard post, and after 9 months of work and 2 months of training, I was promoted to an action officer position and to the Security Service station in Bolkow.

We protected voting places before and during the referendum in January 1946 and we investigated all possible threats. I have to admit, however, that they were not too great around here. Who in the Western Territories would not be in favor of the Oder-Neisse border? Who would not be for land reform? Only when it came to the third question, regarding the elimination of the senate, was there some pressure from the antisocialist opposition.

A year later, during the elections for the Constituent Sejm, I was protecting District No 83 in Bolkow, which was considered to be an endangered area. The danger was not only from the underground but also from gangs of robbers. In Gorzanowice, just before the election, a village chief and a member of Reserve Units of the Citizens' Militia [ORMO] were shot to death. The latter's name was Bronislaw Dolny, he was 30 years old. Six months later, near Stary Bogaczow, we captured the perpetrators of those murders. Later, we captured an authentic spy (he pretended to be a student from Warsaw) who worked for American intelligence. Apparently, he forgot to destroy his spying instructions, which were found sewn into his trouser leg.

Other than that? We kept order during the removal of Germans from these areas.

[Question] How did it go?

[Answer] Quietly. One of the control points was in Jawor. The Germans were coming in an orderly fashion before the Resettlement Commission, showing their documents and wheeling their hand luggage. Passenger and box cars were lined up nearby. The Germans departed in those cars. There were no dramatic scenes and it was not like what the Germans did in many Polish villages.

[Question] And what happened to you later?

[Answer] I stayed in Bolkow until 1947. Later, I was in Jawor as a senior action officer. For 2 years I was in charge of the district population records and the ID cards office, which was subordinate to the Citizens' Militia District Command [KP MO]. In 1951, I was commissioned as an officer.

In 1954 Col Giczan, the provincial commander, appointed me to be the deputy district commander in Legnica. A year later I became the district commander and, in 1959, I was transferred to Jelenia Gora in the same capacity. Since May 1963 I have been in Swidnica.

[Question] Let us go back to the 1950's. There were some abuses in the security system early in that decade.

[Answer] Even before the election of Wladyslaw Gomulka as first secretary of the PZPR Central Committee, some serious changes in the top personnel of the security system had begun. Later, as is well known, the Ministry of Public Security was transformed into the Committee for Security Affairs and, in 1957, the Security Service was incorporated into the Ministry of Internal Affairs.

There is no question that there were serious accusations against many people who left the service or the country. There is no question that they acted illegally, manufactured false indictments, shrouded open proceedings in secrecy and committed other irregularities. Some of them did not escape penal responsibility. A former VIP from the Ministry of Security did some of his time in Swidnica district. It should be remembered, however, that the first half of the 1950's was an exceptionally difficult time, both at home and in the international arena.

[Question] What memories do you have from Jelenia Gora?

[Answer] A pleasant city and pleasant people. There are many transients there, since it is a spa and there are tourist attractions. Those people were occasionally troublesome, but by no means all the time. I remember that the leader of a fearsome gang of robbers (the Koczowka Gang), which we eliminated in the early 1960's with the help of Internal Security troops, was a resident of Przesieka. We surrounded him between Cieplice and Sobieszow. When he had no escape route open, he took cyanide.

[Question] Despite its appearance, Swidnica is not a quiet city in Walbrzych Province.

[Answer] It is an industrial area. Because many women work, child care and the supervision of teenagers are not always adequate. In this area we have on our registers 309 alcoholics, 410 social parasites and 138 morally deficient families. Also, we have certain institutions in Swidnica whose aims are to isolate criminal elements and help them readjust to society, but, in fact, they produce side effects which are not desirable at all. I have in mind the detention center for persons under investigation, the shelter for minors and the correctional institute for juvenile delinquents. In these institutions, informal groups of old buddies are formed and their members like to visit each other, establish new contacts, etc. A few days ago, a drug addict from Wroclaw sneaked into the hospital pharmacy on Westerplatte Street, poisoned himself to death, and started a fire in the building.

In the years 1980-81, there was an increase of agitation, which was not necessarily inimical but was perverse, subversive and disloyal; it was conducted by the local leaders of the former Solidarity. When martial law was declared, the crime rate decreased but the so-called

underground made its presence felt. Since the middle of last year, after martial law was lifted, robberies and housebreaking into both private homes and government buildings rose again.

[Question] Were those years difficult in your work?

[Answer]. Yes, they were difficult. The effectiveness of our work increases when people cooperate with us. In that period, even if a citizen wanted to help us he was afraid of being badmouthed or altogether ostracized. Now the situation has changed. We are getting an increasing number of telephone calls and letters, both signed and anonymous, providing us with information (we do not ignore any signals). Relations between the man in charge of precinct police and the citizens are getting closer. Precinct functionaries participate in neighborhood committees, meet residents, visit families that are threatened. The Reserve Units of Citizens' Militia have been rejuvenated.

[Question] Do you get many complaints against your men?

[Answer] This year, I did not have any complaints of unnecessary use of force or other means of direct compulsion. If there are any complaints they are for not taking care of a problem or for delays in solving cases. We explain what we can do and what is outside our power and must be dealt with by, for instance, the judicial authorities. When we see that a citizen is being wronged, or that he violated the law only by accident and understands his error, we try to help.

[Question] What characteristics should a good Citizen Militia member have? What is essential in his work?

[Answer] Because it is not just work but a demanding duty, every member must have good health and an unblemished reputation, and should also have a clearly formulated political outlook. His nerves must be steady and he must be able to perform under stress. He ought to be sensitive to human misfortune, should have a good sense of justice and be able to gain society's trust.

[Question] A tall order ...

[Answer] We must demand this because, notwithstanding the new technology and new means at our disposal, nothing can take place of the man in our line of work.

[Question] What formal requirements must a candidate for militiaman fulfill?

[Answer] He must have complied with the military service requirements (must have been transferred to the reserve), must have completed secondary education or satisfied a vocational minimum, and must pass the tests. If he passes these, he is facing a system of training and additional education.

[Question] Let us go back to your own person. Now is a good time to ask you about your own private interests.

[Answer] I do not have much time for such matters but when I can spare any, I devote it to hunting. I enjoy my hobby in the Boar Hunting Club. I am a member of the Provincial Hunting Council and a deputy commissioner for discipline of the Polish Hunting Society.

[Question] One often hears that farmers complain of the damage done by wild animals. There is talk that near Silesian Stranie the deer are coming right up to the farm buildings and near Klodzka Bystrzyca the boars are on the rampage.

[Answer] Perhaps in some areas which are closed to people having hard currency... In our area there are not too many wild animals. There are a few small deer, some boars and hares and very few foxes.

The quantity of animals is determined in each district by the forest ranger, who submits his figures to a regional forest superintendent.

On this basis, and in accordance with a special instruction, a shooting plan is prepared and it is approved by the regional office, which can increase or decrease the members. Each hunting club tries to fulfill that plan because otherwise it may have to pay more for damage done to crops. I believe that in certain circumstances, the farmers may petition for additional shootings.

[Question] What should we wish you on the 40th anniversary of Citizens' Militia and Security Service, and on the coming 40th anniversary of your service in the militia uniform?

[Answer] I would like, at the end of my lengthy service in the militia, to be able to assure peace and security to the people in our city and our region, so that people can live without fear for themselves and their property. We wish that after a stormy period there will be a steady growth of mutual trust and understanding between us and society. The wishes for the officials should be, simply, that their work become easier.

[Interviewer] May these wishes come true. Thank you for the conversation.

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## POLLS REVEAL CHANGING ATTITUDE TOWARDS UNITED STATES

Warsaw ZYCIE WARSZAWY in Polish 12 Oct 84 pp 1, 6

[Article by B. Dr.: "Poles Increase Criticism of U.S. and U.S. Restrictions"]

[Text] In May this year the OBOP Polling Center surveyed Poles' attitudes towards the American people and state and their opinions on the American policy of economic restrictions against Poland. The randomly selected sample was representative of the adult Pole population.

As these matters were also the subject of earlier surveys, the results can be compared. In 1975, 37 percent of the surveyed people expressed friendliness towards the Americans, in 1981 - 43 percent, in 1982 - 37 percent, in 1983 - 29 percent, and in May 1984 - 26 percent.

Unfriendly feelings towards the Americans were professed by 4 percent of the respondents in 1975, 5 percent in 1981, 11 percent in 1982, 16 percent in 1983, and 14 percent in 1984. It is clear that friendliness towards the Americans increased in 1981, while the years 1982-1984 were marked with increased unfriendliness (in all the surveys, the majority of the respondents professed an indifferent attitude towards the Americans).

The Poles' attitude towards the American state, the United States, has undergone similar changes. In 1978, 48 percent of the respondents said the United States was friendly towards Poland, in 1981 the respective figure was 59 percent, in 1982 - 35 percent, in 1983 - 23 percent, and in 1984 - 18 percent. Those who saw the United States as being unfriendly towards Poland were 9 percent of all the respondents in 1978, 7 percent in 1981, 35 percent in 1982, 47 percent in 1983, and 44 percent in 1984. Since 1982, after a period of a certain idealization of the United States, the Polish public became considerably more critical of it.

The OBOP also repeatedly surveyed the Poles' opinions on U.S. restrictions--in April 1982, in December 1982, and in May 1984. A comparison of the results of the three surveys shows that the Polish public has become increasingly critical of the American policy of economic restrictions against Poland.

The respondents were asked the following question: "What do you think about the sanctions imposed by the United States on Poland and how do you evaluate them?" Of all the respondents who expressed their views on this problem, in April 1982,

the proportion between those who evaluated the restrictions negatively and those who evaluated them positively was 5:1, in December 1982 9:1, and in May 1984 13:1. Those who were critical of the U.S. restrictions most often referred to the harm they did to the Polish economy.

Those few who evaluated the restrictions positively (one in 13 respondents in the latest survey) pointed out the U.S. right to make decisions of this kind.

The deterioration of the Poles' attitude towards the United States and the Americans is linked not only with the problem of the restrictions. As the OBOP surveys showed, from April 1982 until December 1983 there was a gradual increase in the percentage of respondents who believed that Poland was threatened with war. This is something new in Polish public opinion, as in the preceding years those who did not see the war threat were traditionally in the majority. The proportion was reversed in the years 1982-1984 and now those who think there is a threat of war greatly predominate over those who do not.

An affirmative answer to the question "Is Poland in danger of war in the present international situation?" was given by 24 percent of the respondents in April 1982, 31 percent in December 1982, 41 percent in May 1983, 71 percent in November 1983, 62 percent in December 1983, and 52 percent in April 1984. Although the percentage of the respondents realizing the threat of war to Poland started to decrease in December 1983, it is still very high in comparison with previous years.

Asked which country constituted the most serious potential threat to Poland, the respondents most often mentioned the United States. In April 1982 the United States was mentioned in this context by 35 percent of all the respondents who thought there was a threat of war, in December 1982 the figure was 58 percent, in May 1983 - 60 percent, in September 1983 - 62 percent, in November 1983 - 61 percent, and in April 1984 - 56 percent.

According to the respondents, the main blame for the present international tension rests with the United States. Asked "Which of the two countries--the USSR or the United States--shows more goodwill towards reaching agreement on the reduction of armaments?" in May 1983, 49 percent of the respondents said "the USSR, rather than the United States" and 4 percent said "The United States rather than the USSR." The respective figures for April 1984 were 52 percent and 4 percent.

Since 1982, the Polish public has considered the international policy of the United States to be the gravest source of the war threat to Poland.

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FUNCTIONS OF SUPREME CONTROL CHAMBER OUTLINED

AU081732 Warsaw TRYBUNA LUDU in Polish 5 Nov 84 p 4

[Article by Division General Tadeusz Hupalowski, chairman of the Supreme Chamber of Control: "The Supreme Chamber of Control in the Service of Society"]

[Excerpts] State control after the catalysm of World War II was organized at the same time as the other structures of people's authority. In order to systematically control the activity of central and local executive bodies, an Office of Control attached to the Presidium of the National People's Council was set up in the first days of November 1944. This was the forebearer of today's Supreme Chamber of Control [NIK]. The changes to this supreme control body's position and tasks over the past 40 years have been connected with the socioeconomic and political transformations in the country.

The experiences of those years show us that NIK's direct subservience to the Sejm, as the highest body of state authority, is in accordance with Polish traditions and is important for a proper functioning of the state. NIK's activity in the state concentrates mainly on examining financial-economic and organizational-administrative problems. However, NIK's analysis of the results of controls and its assessments and conclusions also bear importance for effective political control performed by the PZPR in alliance with the other political parties, and by the Sejm and people's councils as representative bodies of state authority.

This means that NIK's activity directly encourages more efficient management and greater efficiency by the administrative apparatus, and indirectly serves the whole of society by supporting the mechanisms of political control.

We check the usefulness, profitability, legality, and honesty of the activity of the units or individuals that we control. All four of these criteria are equally important. In the country's present economic situation, however, the requirement of economic management is at the forefront. Independent enterprises and cooperatives and their managements and workforces should remember that self-management in action cannot mean arbitrariness, but must involve good management. The country's future takes shape through hard daily work,

and not through easy and short-term advantages or accumulated unfeasible demands. Increasing production, saving on raw materials and energy, improving the quality of products, and raising productivity--these are the highest social values which have to be guarded inside enterprises and cooperatives for the sake of all society and for one's own sake.

Right now, NIK's activity is governed by the constitution and the 8 October, 1980 was based on the constitution. All these rules permit the Sejm to exert broad influence on NIK's activity, and also permit the Sejm to make use of materials and reports made following controls. Of the 58 topics dealt with by NIK in 1983, 80 were undertaken on the Sejm's instructions, and in the first half of 1984 we examined 74 topics, 36 of them on the Sejm's instructions. Apart from this, we also carried out many controls on the State Council's instruction Presidium for approval. NIK representatives take active part in practically all meetings of Sejm commissions and subcommissions, and also of voivodship deputies teams. At 250 such meetings in 1983, reports and other materials stemming from NIK controls were used. The work schedules of Sejm commissions and of the appropriate NIK organizational units are coordinated in such a way that the results of individual controls can be made available to deputies in good time. NIK representatives take part in field visits by deputies.

The basic prerequisite for NIK's effective performance of its legal tasks is to concentrate effort on complex issues, in other words on comprehensive controls of the functioning of the mechanisms of economic management and state administration. It stems from this that, despite opinions, NIK's tasks cannot consist solely of revealing abuses and offenses.

The protection of public property and the observance of the legal order must be guaranteed by the state administrative and economic administration's daily activity, by means of a system of internal supervision and control, as well as by fiscal and ministerial control. The law enforcement bodies also guard public property and the public order. Even so, NIK does not remain indifferent toward cases of abuse, waste, or theft. All the legal consequences are drawn in such cases. Based on statistics for last year and this year, one can say that an average of 6,000 persons per year receive official sanctions as a result of NIK controls, regardless of the position occupied by them, and criminal proceedings are commenced against 300. Under the terms of the law, personnel sanctions applied following a control are [word indistinct] strengthening social discipline, combatting all evil, and applying harsh responsibility on the part of personnel.

Guided by the above principles, we wish, by means of a conscientious performance of our legal duties, to overcome the difficulties on a daily basis, accelerate the country's economic development, and improve society's standard of living.

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#### SCHAFF'S VIEWS ON MARXISM CHALLENGED

AU080915 Warsaw NOWE DROGI in Polish Issue No 9, (signed to press 19 Sep 84)  
pp 156-163

[Malgorzata Dabrowa-Szeffler article: "'Open Marxism' or Vulgarization?"]

[Text] Modern revisionism continues to attack the same basic component elements of Marxism-Leninism that it attacked at the turn of the century and during the twenties and sixties; namely, the Marxist-Leninist theory of revolution, the dictatorship of the proletariat, and the class war, that is, the theory of social development as the quintessence of Marxism-Leninism.

Modern revisionism follows the "classic" method of verifying and revising Marxism under the guise of "modernizing" the theory. Revisionists interpret their approach to Marxism as "creative" and "open."

In his book "The Communist Movement at a Crossroads," which was published in Vienna in 1982, Adam Schaff used the term of "open Marxist" to describe himself.

A. Schaff's publications, which were published in the Polish press in 1983, have given rise to acute polemics.

The term of "open" or "creative" Marxism is downright illogical, because, basing itself on the method of dialectical and historical materialism, Marxism has always been and is an open theory. Marxism is a scientific theory which analyzes the actual social reality and its determining factors and is marked by movement and change. "Marxism-Leninism is not a dogma. It is a scientific explanation of the historical process of development and of its continuity and changeability," Henryk Bednarski wrote when analyzing the statements made by Marx, Engels, and Lenin on their theory and on the conditions for maintaining its vitality.

This shows that the adjective "open" suggests that the Marxism exercised by A. Schaff is some other kind of Marxism. Having studied A. Schaff's views, a Marxist reader does not doubt that they are a vulgarization of the essential elements of the Marxist theory, as the authors of earlier polemics had stressed.



I would like to add certain themes to those polemics, themes that have so far been pushed into the background and that are connected with the role of production forces in socioeconomic development and with the way in which A. Schaff approaches this issue.

Revoking Karl Marx, in his book "The Communist Movement at a Crossroads" Adam Schaff puts forward the thesis that sociopolitical changes of a socialist nature must occur in the most highly industrialized countries within the next 20 years.

We have to classify such "predictions" as wholly in conflict with the methodology of Marxism. Applying the dialectical method of the analysis of social development, it is possible to discern--in the same way as was done by Marx and Engels and by Lenin--the accumulation of the contradictions that are bound to result in changes in the economic base and superstructure of the capitalist formation.

However, it would be difficult for a Marxist to put forward the thesis that this would take place in a specific country or in a group of countries in 20, 5, or 40 years.

The era of proletarian revolution actually begun as an effective resolution with the Great October Socialist Revolution, but its harbingers appeared in the 19th century, as most clearly indicated by Marx and Engels in the "Communist Manifesto." They wrote the following between December 1847 and January 1848: "The bourgeois relations of production and trade and modern bourgeois society are like a magician who is unable to master the powers of the netherworld which he has summoned."

The manifesto further states: "The development of large-scale industry deprives the bourgeoisie of the platform on which it produces and appropriates its products. It produces primarily its own gravediggers. Its annihilation and the victory of the proletariat are equally inevitable."

Marx devoted his greatest work--"Capital"--to the issue of the growth of contradictions under the capitalist method of production. From the growth of these contradictions he draws the conclusion that capitalism will inevitably disintegrate in line with the laws of social development and in the same way as former formations disintegrated.

The classics of Marxism related the need for and inevitability of the decline of capitalism, of the abolition of the private ownership of capital goods, and of going over to a new, communist formation to the growth of the internal contradictions of capitalist formations, on the one hand, and to the historical determining factors that may accelerate or delay the outbreak of these contradictions, on the other.

Specific historical conditions predetermine the outbreak of socialist revolution in a given place and at a given time.

"Although the change in relations in the past 25 years has been considerable, the general principles developed in the "Manifesto" have generally retained their validity also for today," K. Marx and F. Engels wrote in 1872 in the introduction to the German edition of the "Manifesto." "As the 'Manifesto' itself states, the practical application of these principles will everywhere and always depend on given historical circumstances."

As for Lenin, he did not--during a long period of political and ideological struggle--define the date on which revolution would break out. What he did was to attach enormous importance to defining a suitable moment of history. The Bolshevik party skillfully exploited this moment.

That is why Schaff's declarations that "within 20 years socialist changes will occur in the most industrialized countries" have not much in common with Marxism, but are similar to the methods of the futurology now practiced by the bourgeoisie.

The inevitability of and necessity for disintegration of capitalism--this inevitability and necessity were theoretically justified by Marxism-Leninism--has been verified in the present process of the implementation of socialism over large areas of our globe. However, the process of the ultimate liquidation of capitalism may still take a long time, despite the growth of the internal contradictions of the system. In the same way, the establishment and consolidation of capitalism in some European countries in the 18th century did not amount to a complete liquidation of feudalism in Europe. This was much less the case with many economically and politically dependent countries in which capitalism was not a dominating method of production even after World War II.

The session of representatives of the communist and socialist parties, which was held in Moscow in 1960, and the 22d CPSU Congress supplied an accurate and ever valid analysis of the contemporary conditions for going over from capitalism to socialism, that is, of the conditions for peacefully and nonpeacefully switching over to socialism, and of the need for socialist revolution and the dictatorship of the proletariat.

A. Schaff opposes this theory with an old thesis about the immaturity of conditions for socialism in the countries in which socialism is being implemented and about the maturity of the most industrialized European countries to embrace socialism. According to A. Schaff, "Marxist socialism" would be established in these countries. Lenin polemized with this thesis.

A. Schaff's chief proof that "Marxist socialism was earmarked for highly developed countries" was taken from a passage in "German Ideology," in which Marx states his views on conditions for switching over to socialism. This passage, torn out of the context of the polemic against German philosophy, as M. Orzechowski has already pointed out, is for A. Schaff the quintessence of the Marxist theory of social development.

Let me cite this passage from "German Ideology" as a starting point for deliberations on the role of the material premises of the revolution (the role of production forces) in Marxist theory:

"Using a language the philosophers understand, this 'alienation' can no doubt be eliminated only under two practical conditions. It must become a force 'that can no longer be tolerated,' that is, it must become a force against which a revolution is made, and must render the large mass of mankind completely 'helpless; and at odds with the existing world of riches and education. Both conditions involve an enormous increase and a high development of production forces. On the other hand, this development of production forces (this is provided for by the empirical implementation of historical and not merely local activities of people) is an absolutely necessary practical condition also because without this development, poverty would become universal, which would again necessitate a struggle for the most elementary things of life and would bring back all the former mess." Further: "Communism is empirically possible only as a deed carried out by the ruling nations 'at a stroke' and at the same time, as provided for by the universal development of production forces and the associated people-to-people relations worldwide...."

Schaff did not want to point out that the same page of "German Ideology" contains a passage of equal importance, namely: "For us communism is not a state that should be introduced and not an ideal that reality should follow. To us communism is a real movement that abolishes the present state of affairs. The conditions for this movement stem from the premises that are there now."

"German Ideology" contains other formulations, which do not make it possible to indulge in the one-sided and simplified interpretation that socialist revolution is impossible without a high level of production forces. The development of these forces is necessary to the extent to which this is able to produce a class that is in conflict with the "world of riches and education" and is propertyless, and to the extent to which the living conditions of this class can be improved.

This conclusion results from the overall Marxist theory of social development and not from a single or even two passages taken out of K. Marx' single work.

According to Marx, the economic processes, above all, the process of production, which determine people's material conditions and opportunities to meet social needs, are the driving force of social development. However, people make changes in the final reckoning, and the process of history does not take place in a mechanical way, although it is predetermined to a major extent.

Every expert on Marxism--A. Schaff is such an expert--knows that, according to Marx, a change and "the movement of formation" do not take place mechanically, but through the activities of people (social classes, groups, and strata).

Marx says: "At a given stage of their development, the production forces of society come into conflict with the existing relations of production or, which is natural, with the relations of ownership within which these forces have developed. These relations become the shackles of the production forces. This is the beginning of the era of social revolution." The last sentence clearly states that changes are effected through social revolution and that they are determined by the contradictions between production forces and the relations of production.

In this connection we should note that Marx and Engels viewed the Paris Commune as a revolution that would initiate the construction of communism, although they were hard put to assert that the level of production forces in France was at that time higher than, say, in Britain. They carefully analyzed the reasons for the downfall of the Paris Commune, paying not so much attention to a too low level of production forces as to the historical conditions (the united attack of the domestic and foreign bourgeoisie) and the nature of the superstructure and the method of government, which made it impossible to effectively implement many decisions.

Marx wrote: "The workers class is simply unable to take over the ready-made state apparatus and make it work for its own purposes. Centralized state power with its omnipresent agencies such as the regular army, police, bureaucracy, clergy, and judicial system has its roots in the absolute monarchy when it served the burgeoning bourgeois society as a mighty weapon in the struggle against feudalism."

These quotations illustrating Marx' evaluation of the Paris Commune--this evaluation was made almost immediately after the demise of the commune--are proof of the validity of the assertion that for Marx it was most important that the proletariat should take over power and should demolish the old state apparatus, because he took the view that other conditions have already been met.

A. Schaff's thesis that "Marxist socialism was earmarked for highly developed countries" is also refuted by the fact that in many of their works Marx and Engels thought at that time that revolution might break out in poorly developed countries such as Russia, for example. "If Russian revolution triggers proletarian revolution in the West so that the two reinforce one another, the present Russian common possession of land may become a starting point for communist development," K. Marx and F. Engels wrote in 1882 in the introduction to the Russian edition of "The Communist Manifesto."

It is, therefore, possible to assert that A. Schaff's thesis that, in the light of Marxism, the revolution in the socialist countries was premature and that the conditions for it were "not ripe" is a typical revisionist thesis. Taking an objective view, through this assertion A. Schaff tries to discredit Marxist theory and socialism as it is now.

In his "The Communist Movement at a Crossroads," A. Schaff interprets the high level of the development of the production forces, on the one hand, as a factor that makes possible socialist transformations and, on the other, as a factor that makes revolutionary necessary. That is why, A. Schaff maintains, socialist transformations must take place in highly industrialized countries within 20 years.

As Schaff asserts on the strength of Marxism, these transformations are to be determined by scientific-technical revolution and, primarily, by complete automation and robotics.



This mechanistic-deterministic interpretation of the Marxist theory of social development and of the role of production forces in this development is bound to elicit opposition on the part of every Marxist. This is vulgarization of Marxism, and some bourgeois and social democrats take advantage of it to foist on Marxism theses which it has nothing to do with.

According to A. Schaff, the automation of production and services will create such enormous unemployment that the functioning of the capitalist mode of production will be made impossible and that peaceful changes in the nature of economic relations and, thus, in the mode of production will be made necessary.

The very thesis of the complete automation of production in highly industrialized countries within 20 years seems false. A. Schaff draws an equally false conclusion about the "superfluity of work done by hundreds and hundreds of millions of people and perhaps billions and billions of people worldwide." In addition, Schaff confuses issues by saying that "superfluity of work" in the Third World is a result of the low level of production forces and the shortage of capital goods and that in the highly developed countries it is a result of automation. One must not, as A. Schaff has done, identify the unemployment in highly developed countries with that in the poorly developed ones, because the causes are different and the ways of solving the problem are basically divergent.

With this method of identification, Schaff should have added together the assets of these countries and divided the lot equally among the highly and poorly developed countries. With such a division it would have been possible to employ the productive millions and millions of people in the economically poorly developed countries.

Returning to the thesis about the total automation of production and services in the highly developed capitalist countries, it should be recalled that this is not a new thesis and that it was frequently put forward by bourgeois theory in the fifties and the beginning of the sixties.

In his book published in Paris in 1953, Albert Ducrocq wrote: "A most magnificent movement of all times has begun. In all fields artificial setups whose activities strangely imitate the activities of live creatures continue to appear. This "fourth world" is beginning to consistently take advantage of stable arrangements based on negative mutual interdependence. [sentence as published] We can expect that the robot machines equipped with the ability to perform all functions desired by man will build the world of the future." At that time, in 1953, automated equipment for reading and writing and for "reproducing" itself was already in existence.

On the other hand, some 15 years later J.J. Servant-Schreiber predicted that complete automation of industrial processes would become reality only in the United States in 1980.



In the sixties many bourgeois economists changed their views on the possibility of lightning progress in automation and stressed the limited potential of the rate of automation in view of the level of technology.

Some 20 years have gone by since these works were published, and one is hard put to speak of the complete automation of production, let alone the complete automation of services. Administration, which A. Schaff cites as an example of complete automation, is just one aspect of the sphere of services. Services such as medicine, science, and education, which exert a direct influence on man, will always require large-scale employment, because robots can carry out only auxiliary functions in the area of these services.

The process of automation has triggered changes in various sectors of employment and in job qualifications. These changes involve increases in employment in the area of services and of "nonproduction" workers in production. Many works on automation stress that the automation of production processes does not result in unemployment that is proportionate to increases in productivity, but that it causes large reductions in the directly productive labor force.

These deliberations do not assert that automation does not give rise to structural unemployment in capitalism. They merely assert that it is necessary to cautiously analyze the social results of the process of automation.

There is no doubt that automation is a determining factor in structural unemployment, as Marx already noted. However, he also noted opposing tendencies in the form of the "expansion" of the capital and of the establishment of new enterprises and sectors of industry. Marx explained the reason for this phenomenon by the accumulation of the capital. Absolute employment is able to increase even under the conditions of rapid technological progress and of a decreasing share of the labor force in the production of given goods.

Further, Marx explained the basic reason for structural unemployment: "It is true that the growth in global capital goes hand in hand with its changeable component part--the labor force--but this force increases to an ever decreasing extent."

It should be stressed that in the light of contemporary literature on automation, including Marxist literature, the general law of capitalist accumulation is still valid.

A.J. Berg takes the view that automation is a determining factor in the establishment and development of new industries: "Only the application of comprehensive mechanization and automation makes it possible to promote the most modern industries...."

That is why Schaff's assertion that automation would create gigantic structural unemployment within 20 years amounts to at least an enormous simplification because, for one, there is still no complete automation of production, let alone of construction, transportation, and nonmaterial services, even in the most developed countries; and, two, the results of automation in the area of employment may turn out to be not so drastic, although their tendencies are certainly a factor in structural unemployment.

The conclusions that result from a comparison of A. Schaff's two books--"The Communist Movement at a Crossroads," and the so-called "Polish Lesson"--are more interesting than the extent to which he vulgarizes the Marxist theory of social development.

A. Schaff, who has predicted a breakdown of capitalism within 20 years because of unemployment, in the third part of "Polish Lesson" recommends unemployment for Poland as the only panacea against our troublesome economic problems. He wrote (and said) the following: "Poland must catch up with the speed at which microelectronics and the related automation of production are developed. Rough calculations made in our country (The Committee for the Year 2000) show that with the changes in technologies our productivity would increase about 300 percent. It is true that, like the West, we would be facing structural unemployment and the connected problems. However, we would be able only under these conditions to solve the problem of productivity at the level of the developed countries."

This statement generates questions, to which readers find no answers in the book:

1) Why should automation create unemployment in socialism if unemployment is permanently connected with the nature of capitalist accumulation and with the principles of distribution that is proper to the capitalist method of production?

The entire present development of the socialist economy has been proof that his development is taking place with the complete utilization of manpower (which does not mean the structure of this utilization is always optimal).

2) Why does A. Schaff recommend unemployment for Poland as a condition for solving our economic problems when, in the case of capitalism, he regards unemployment as the basic cause of the decline of capitalism?

This scenario for unemployment in Poland has in this context the same political purpose that the vulgarization of Marxist theory has.

CSO: 2600/172

WITHDRAWAL FROM ILO THREATENED

AU061838 Warsaw TRYBUNA LUDU in Polish 2 Nov 84 p 6

[Unattributed commentary: "The ILO on a Confrontational Course"]

[Excerpts] The ILO, which is already 65 years old, is one of the oldest organizations within the United Nations. It was established in 1919 by the Versailles peace conference with the task of raising the standard of life and work in the world, with the purpose of eliminating social injustice and preventing war.

Poland was one of the joint founders of the ILO and has been one of its more energetic members. Poland has energetically cooperated with an organization created for such important humanitarian goals. The contribution made by our representatives to ILO's activity has been broad and considerable.

Against the background of such close and long cooperation with the ILO and of our principled stance concerning energetic and creative participation in the work of all UN organizations, its surprises and saddens us that for some time, cooperation between Poland and the ILO has been shaping itself more than badly or, to put it bluntly, has not been shaping itself at all.

The ILO has displayed an increasingly conservative countenance toward Poland. This organization, which was set up during a different world sociopolitical situation, has been the subject of growing criticism for some time already. The cause of this criticism is the structural crisis within the ILO, an outdated three-pronged organizational structure that favors and strongly influences capitalist employers and the most reactionary trade unions in the West, failing to recognize the realities of the modern world--including the existing balance of forces, the emergence of many new progressive countries in the Third World, and the existence of a community of socialist countries. The system in force means that the ILO authorities are dominated by representations of Western right-wing forces, which of course are eager to guarantee the interests of big capital. The ILO has caught up with the requirements of today. It has not become a forum of equal and mutually advantageous cooperation between states with different political-social systems. On the contrary, it is becoming more and more a forum of confrontation and antisocialist statements, where the brutal violation of working people's rights

in the West is silenced on the one hand, and a campaign against the socialist states is waged on the other.

An example of the ILO's biased approach was its more than reticent attitude during its examination of the issue of intimidation of U.S. air traffic controllers by the Washington administration, or of the FRG's discriminatory ban, preventing people with progressive views from performing their work.

This political bias has been displayed in full recently vis-a-vis Poland, and has determined our relations with the ILO.

After the introduction of martial law in Poland on 13 December, 1981, some NATO states and West European circles closely connected with them stepped up an anti-Polish campaign and introduced to so-called Polish issue to the ILO forum.

The PPR authorities informed the UN secretary general about the above very difficult and timely decision, and explained the motives that had guided them in applying such a solution. They also reported the suspension and subsequent lifting of martial law. Warsaw responded to the anti-Polish campaign inside the ILO with restraint and reserve, calmly explaining the circumstances, correcting exaggerated reports, and denying false accusations. Neither did Warsaw deny that the 1980-82 events in Poland possessed a context relating to the ILO conventions, especially convention number 87 concerning trade union freedom and convention number 98 concerning the right of association. On the contrary, Warsaw explained and documented why events had happened the way they had. It was pointed out that the Solidarity leadership had broken convention number 87 which speaks of the need to observe the legal rules in force in a given country.

In order to present the truth and continue cooperation with the ILO, Polish delegations made several trips to the organization's Geneva headquarters and gave a picture of the situation in our country, presenting the progress of stabilization in it. In May 1982, Professor N. Valticos, the ILO secretary general's representative was invited to Poland.

However, the aggressive campaign against Poland did not stop. On 27 May 1983, in other words at a time when even our opponents had realized the clear normalization in Poland, the ILO Administrative Council forced through a decision based on an earlier motion made by the French union delegate M. Blondel from "Force Ouvriere" and the Norwegian union delegate L. Buck. (The Norwegians later retracted their motion). The decision said that the entire matter would be submitted to a so-called investigating commission for Polish affairs.

The PPR Government firmly rejected the Administrative Council's decision as unjustified, being a sign of intolerable interference in our domestic affairs and something that was illegal and contrary to the spirit of the ILO constitution. When the council confirmed its decision 1 month later and appointed the so-called investigating commission, Poland acted in accordance with the 31 May 1983 government statement and categorically refused any cooperation whatsoever with the so-called investigating commission, and suspended cooperation with the ILO exactly as foreseen.

To mark the 70th ILO session and in connection with the anti-Polish campaign, PAP presented the PPR Government's official stance in a note dated 21 June, 1984, which firmly said: "...Circles inside the ILO that are hostile to Poland are currently aiming to publish a 'report' based on one-sided and anti-Polish materials. The publication of this report would be another hostile act toward Poland. Poland would then be forced, in accordance with the 31 May 1984 and 24 June 1984 statements, to take appropriate steps [words indistinct] its membership of the organization...."

The above statement assumes particular validity today, on the eve of the Administrative Council's meeting. Poland has furnished a lot of proof of its good will and desire for cooperation. If however the Administrative Council adopts the report of the so-called investigating commission, expressing once again ill will and hostility toward our country, then this fact will have to bear serious consequences, such as Poland's withdrawal from the ILO. Poland is not and will not be alone. Our stance enjoys the understanding and support of the socialist countries and other progressive countries. The ILO's breaking of its constitutional principles and its continuation of its confrontational course are arousing protests from many of this organization's members.

Thus, the key to Poland's relations with the ILO lies in Geneva, not in Warsaw. Whatever the shape of these relations, they must contain a full recognition and respect for the reborn Polish trade union movement in its present shape. This is the minimum which the ILO owes to the millions of honest working people in Poland. The question remains open: Will this organization be faithful to its constitution, will it base itself on facts and reality when assessing the Polish situation, or will it reject the truth and cling to its hostile stance in the name of hostile political interests? The immediate future will answer this question.

CSO: 2600/174



PROSPECT FOR SELF-MANAGEMENT ANALYZED

Warsaw SLOWO POWSZECHNE in Polish 5-7 Oct 84 pp 3,4

[Interview with Jozef Barecki, chairman of the Sejm Worker Self-Management Commission, by Andrzej Kaniewski: "Self-Management Involves the Total Force"]

[Text] [Question] Is enterprise self-management equal to the work of the workers council?

[Answer] The workers council is a subsidiary of self-management. By self-management we mean a direct involvement of the total plant's work force in the administration of their enterprise. The workers council should not attempt to enforce its prerogatives of decision- or suggestion-making without the participation and full approval of the whole work force. The council should not merely represent the workers but should work with them. A council consists of 15 to 20 members.

[Question] I know of an enterprise whose council is comprised of 64 people.

[Answer] There are such instances. In my opinion, the workers council should not be too large, since this tends to impede its effectiveness.

[Question] Does it hinder their progress or alienate them from the rest of the collective?

[Answer] Certainly. There is the danger that the council may turn into an autonomous entity, working in its own interests.

[Question] From the government's report dealing with the reform, it appears that in most of the self-management activity substantive questions rather than organizational ones dominate.

[Answer] Renewed workers council activities following a period of inactivity provided answers to some of the legal and organizational dilemmas. These in most cases relate not only to various aspects of their own problems, but include those of the administration of their individual places of employment.

[Question] Since the councils are occupied with such substantive undertakings, to what extent do they take advantage of their authority?

[Answer] In most enterprises workers councils have every occasion to benefit from their authority.

[Question] Really? What about the law of July 1983 on specific regulations covering the period of resolving the crisis?

[Answer] I have made note of it.

[Question] Regulations surfaced in this law which did not directly affect self-management, but brought on changes in laws related to them. These, in my estimation, were responsible for restrictions in self-management procedures.

[Answer] The law you are talking about in no way curtailed any of the basic functions of self-management.

[Question] What about the directors' status?

[Answer] I believe that it has been misunderstood. In the law on self-management it is stated that the workers council by means of competitive examinations selects a director with the approval of the parent organization, or the parent organization elects him with the approval of the council. However, the working relationship of the director with the others has not been defined anywhere, even as late as July 1983. It has not been established if this falls within the responsibilities of the council or the parent organization. The July 1983 law finally concludes that directorial functions are regulated by the parent organization, with the stipulation that if the director is appointed by the council, then he answers to it. It seems to me that this is a good solution. The directorate is the functional arm of the enterprise, and if the workers council would define the conditions of the working relationship, this would limit the director's independence, thereby not letting him feel like a partner, but rather as an employee of the council.

The director is obligated to enforce the resolutions of the workers council and he also has authority to suspend them, of course, within the framework of statutory guidelines. Therefore, he has to have the feeling of some independence in his authority. This is also favorable for self-management, which does not need a subservient director but does need an independent realistic partner.

[Question] The July law also stipulates that the objection of the workers council to a decision of the parent organization does not stop the enforcement of the decision. Are there any other limitations?

[Answer] Naturally, you can say that this in itself is a certain limitation, but on the other hand, in a critical situation definite mechanisms have to be employed to allow for an efficient solution to an important issue. This limitation will remain in effect until the end of 1985. As a clarification, this regulation does not eliminate the right to appeal. If the organ of self-management voices its dissent, it has the privilege of carrying its case to the courts in accordance with the law.

[Question] In the workers councils 60 percent of its members are workers. Are there not perhaps too many of them? It is the obligation of the council to jointly manage the enterprise. Does this not require a certain amount of knowledge and expertise?

[Answer] Self-management in reality is a form of worker participation in the management of an enterprise. The engineering, technical staff and administrative personnel manage it within the framework of their daily functions. This constitutes the professional segment. What then do we mean by a socialization of the planning and managerial process? It certainly does not mean that the office employees instead of remaining at their desks have the right to make crucial company decisions in the council chambers. What we have at stake here is the need to have the workers, who in reality are the producers, have a voice in plant management.

According to my way of thinking, the more workers there are in self-management positions, the better for self-management. Self-management cannot take the place of the professional staff nor of modern administrative practices. Self-management can and ought to bring in what could be called the social point of view. Naturally, this requires a good deal of enterprise experience and a knowledge of the mechanisms of its implementation.

[Question] Education, after all, requires a long period of time, a commodity which happens to be in short supply with us.

[Answer] Yes, it will require some time, but it will produce results presently and in the near future. I am hopeful that the participation of workers in self-management activities will increase; otherwise, this could prove to be the greatest threat to the self-management concept. The work force could claim that they are not included in the decisionmaking process, that decisions continue to be made by those who, in doing so, execute their professional functions.

[Question] We have already mentioned briefly cases involving self-management and management. The creation of self-management placed the directors in an awkward position, where in addition to being responsible to their immediate superiors, they were also answerable to the work force. This did not appear to be to everybody's liking.

[Answer] Giving self-management the authority to enact regulations governing plant affairs was looked upon by some of administrative white collar workers as an encroachment into their territory. Many of the managers are of the opinion that self-management obstructs operating procedures. For many of them, consultations and listening to the opinion of production workers makes it necessary to establish a whole new format of management. It is rather difficult to drive an automobile to a destination when passengers have an equal right to lay out the route, a right the driver has had up to this time. The process of coordinating activities between self-management and the enterprise administration is progressing well, and the new mechanism is performing more smoothly.

[Question] What can we do to bring this process to a successful conclusion?

[Answer] There is only one method: the introduction of the principles of reform. A director may consider self-management a bothersome necessary evil; still, he has to respect its authority. Our commission places much importance on this matter and treats it more seriously than just a self-management-to-director relationship. Persons who disregard regulations are in conflict with the law and must bear the consequences and responsibilities of their actions.

[Question] Is the commission capable of making these people face the consequences of their transgressions?

[Answer] We do not get involved with the enforcement of the law. Our responsibility is the evaluation and monitoring of compliance with the self-management law by administrations as well as by the offices of self-management. Past performance has shown that our directions bear fruit.

[Question] Last January an opinion was rendered by the combined Sejm and Social Consultative Commission of the State Council dealing with the relations between self-management and trade unions. The opinion met with varying reactions. There were voices pro and con.

[Answer] Cooperation between self-management and trade unions in fact presents problems. Self-management found itself in the traditional triangle observed in plants prior to 1980, which was formed by the union, the director, and the party organization. When self-management was in the stage of development the unions were undergoing a crisis, and for a certain period of time were not functional. The factory workers demanded that self-management take over what were clearly union responsibilities. Later, when new unions came into being, many of the self-management bodies were not willing to give up functions which were in direct competition with union jurisdiction. Conflicts arose.

[Question] Unions were not totally without fault. At times they crossed over into the jurisdiction of self-management.

[Answer] Yes. Some of the union activists are of the opinion that without self-management their efforts would be more successful. This is not true. Self-management and unions have different functions to perform, although their goals are the same, namely the interests of the workers--the working class.

It is important to have each organization respect the other's area of authority. The opinion offered by us was not a proposal to enlarge or diminish either one or the other's field of competence. We presented regulations relating to procedures. We indicated in which instance the law requires the council to obtain the approval of the union before passing a resolution and to determine in which instance self-management or in which the union may have jurisdiction.

This is not the most important point of the opinion. We concluded in these findings that relations between both of these organizations should be based on understanding and cooperation. In many of the units an atmosphere of mutual understanding has already been established.

[Question] Did this create a feeling of stability?



[Answer] In my opinion, the stronger the self-management the stronger the union. The opposite is also true. Weakness on the part of one of the partners results in the weakness of the other.

[Question] Much commotion arose from the tension generated between self-management and the enterprises' parent organizations. In this instance I am referring to regional administrative organs.

[Answer] Our commission with great diligence carefully monitors assurances pledged by parent organizations for the protection of self-management authority. We pay particular attention to the necessity to make allowances in the parent organization's activity for the role performed by self-management as an organ of the enterprise. The director should not be the only one to receive complete information, or be the only one available for consultation in the case of dealing with an enterprise problem. The enterprise's projected plans have to carry the approval of self-management, which, if it is not aware of all existing factors, will not be able to come up with an intelligent appraisal.

[Question] Who can prevail upon the parent organization to maintain a reliable data system for self-managements?

[Answer] Recently the government has instructed all parent organizations to develop an updated information system on the economic problems facing self-managements.

[Question] Failing to keep the self-management systems fully informed of prevailing conditions is bad enough, but the ultimate example of ignoring them is the method of appointing directors by the parent organization without the utilization of a competitive examination process.

[Answer] As a matter of fact, in 1982 and 1983 there were many instances where a parent organization appointed a director without a competitive examination.

[Question] The actual figure was 20 percent of all appointees.

[Answer] Our commission filed a complaint on this matter with the government. As a result of this, the government directed the parent organizations to adhere strictly to the competitive method of directorial candidate selection.

[Question] Judging from all that you have said, you must be an optimist when it comes to the future of self-management.

[Answer] Without self-management we will not be able to establish reform, and there can be no turning back from reform. There is also no retreat from the self-management concept, but the problem is more complex than that. The advancement of the self-management idea for its practical application will simultaneously increase the number of citizens participating in management, and in positions of authority, and will lead to a better democratic arrangement. Is there any other way of bringing us out of this crisis? This is why I am an optimist!



## PROGRAM FOR MASS MEDIA OUTLINED

Warsaw TRYBUNA LUDU in Polish 12 Oct 84 p 5

[PAP article]

[Text] The developmental directions of the press, radio and television and the social conditions of the journalist milieu were the themes of the plenary session of the Main Board of the PRL Association of Journalists, held on the 11th of this month in Warsaw.

As was emphasized in the course of the proceedings, a decided stabilization in the reader's market has occurred in the present year. For the first time in many years we are dealing with an authentic press market; the reader has a choice of papers. The basic direction of activity in the years immediately ahead, it was stated at the plenum, should be a reintroduction of the range of influence exerted by newspapers and periodicals on society. In 1976 there were close to 90 press copies for each inhabitant of the country, while in the present year there are only 77. Above all, circulation of the daily press, local newspapers, and the most popular periodicals has to be built up again. At the same time, the process of improving the press model should move ahead, that is, the thematic and territorial gaps should be filled in, and even specific social interests should be more fully met.

The basic plan of Polish Radio in the years immediately ahead is to issue five national programs, including two programs in a stereophonic version. Television is preparing to issue program III, in the satellite system; for the time being, however, the attempt is being made to get programs I and II received in all of Poland.

During the proceedings a lot of time was devoted to the social problems of the journalist milieu. In the opinion of the presidium of the Main Board of the Association of Journalists of the PRL [SD PRL], the process of the journalists' worsening material situation was checked in recent months, and the journalists' average earnings are reaching a level not that different from groups with similar social functions. It is necessary to resume work on a new collective system, the conditions for which were created by the reconstruction of trade unions, including the creation of the Federation of Trade Unions of Workers of Publishing Houses and Agencies. The questionnaires which the journalists filled out testify to their quite good salary. Nonetheless, there are still instances

when a journalist must work without a telephone, typewriter, or tape recorder. With the goal of resolving the social problems in the most effective way, the SD PRL Main Board appointed a Committee of Social Funds.

During the discussion there was disagreement with the evaluation of the journalists' social situation, which was presented by the presidium of the Main Board. Attention was given to the bad working conditions in editorial offices, the state of technical equipment--which evokes great reservations--the overburdening with editorial obligations, and the difficult housing situation of many journalists. The unregulated, often considerably lengthened time of work and the stressful conditions result in the journalists' exposure to many illnesses; the middle-aged journalist is rarely more than 50 years old. Against this background, it was said, the fact that journalists have somewhat higher earnings than the national average takes on another dimension. All the more so, since wages are highly differentiated and are decidedly disadvantageous for journalists of small means and for retirees. It was pointed out that work undertaken together with the federation of trade unions on a new collective system is urgently needed.

During the discussion attention was also given to the still inadequate social standing of the journalist profession. Many factors have an influence on this, including the material situation, work conditions, and difficulties in obtaining information. It was proposed that special research to define the current status of the journalist profession be carried out.

The participants in the plenum made proposals which must be realized in the immediate future. It was stated that the association authorities have done quite a lot up to this time in social affairs but that many problems remain to be solved. The SD PRL Main Board Commission of Health was assigned to work together with the Work Medical Center and the Ministry of Health and Social Welfare, and by the end of 1985 to complete an official list of the journalists' professional illnesses; after consultation with the journalist milieu, the list will be presented to the minister of health for approval.

The presidium of the SD PRL Main Board was charged with preparing a working plenary session on the subject of journalists' access to sources of information as the basic essence of credible action by the mass media, which is linked with information on the functioning of the Press Law. Preparing a plenum on the subject of forming proper sociopolitical attitudes in the journalist milieu as a main trend of the association's activity was also advised.

The following participated in the proceedings: presidium member and secretary of the Central Committee of the SD, Alfred Beszterda; director of the Press, Radio and Television Department of the PZPR Central Committee, Bogdan Jachacz; Government Press Spokesman, Jerzy Urban; representatives of the Federation of Trade Unions of Workers of Publishing Houses and Agencies; employers representatives.

## CURRICULUM IN TECHNICAL SCHOOLS DIVERSIFIED

Warsaw TRYBUNA LUDU in Polish 19 Oct 84 p 3

[Article by Zofia Dorywalska: "Technical School Reform: General Knowledge Is the Foundation"]

[Text] Reform in the educational system, as is generally known, did not withstand the test of life in many respects. In conformity with the decision of the Sejm, no changes will occur in the structure of the educational system, but this by no means indicates that schooling will remain the same.

To be sure, changes are occurring within limits prescribed by law concerning the development of the system of education and training, that is, in those same schools that have been in operation for many years; however, these changes are quite extensive. They embrace the entire vast sphere of teaching and training leading to answers to the question of what profession the graduate should pursue.

Elementary school students, year by year starting with the first grade, have recently been learning according to modified plans and curricula. The oldest among them have already completed the new sixth grade curriculum, and for not quite 2 years, students differently prepared than their predecessors have been applying to higher level schools for the first time, the majority of them applying to technical schools.

Therefore, schools cannot be the same as those now in existence, because after all they must continue to lead and develop those students in initial studies, utilizing the fundamentals which the reformed 8-year primary school has given them.

Work on the new concept of training in technical schools has been continuing for a long time. It is being conducted by two institutes--school programs and technical training. To date it is well known that in somewhat less than 2 years, and hence at a time when the first graduates will have completed the reformed eighth grade, technical schools will be prepared to implement the new concept of general education. However, they will wait several years more yet for a fully modified version of the technical preparation curriculum; the hitherto existing curriculum has only to be supplemented and modified.

The Institute of School Curricula, pursuant to discussions in teaching circles, already possesses clearly outlined curricular solutions. The authors of the new curricula justifiably assume that they must consistently contribute to raising the level as well as the importance of the general education of students. The Polish language, history and civics comprise those subjects which are expected to bear an influence on the formation of their consciousness, awaken in them intellectual needs, also expressed in the fact that they themselves will reach for a good book; the theater, museums, and concerts will find a permanent place in their sphere of interests. One does not have to be convinced of the importance and necessity of this.

Technical schools are a general form of education in Poland and, therefore, everything that the student carries away from them also adds to the general picture of the education of society.

Presently, it is well known that one carries away too little. Evidence of this can be abundantly drawn directly from life, but one can also refer to the results of numerous studies and surveys. They signal an alarmingly low level of literacy among technical school students, a lack of any broader interests whatsoever, not to mention the painful fact that they do not carry away from school the habit of honest, solid work in their own professions.

The preparation of a student in this school for civic responsibilities in the broad sense, for participation in culture, and at the same time for competent, responsible performance of employment duties dictated by the needs and demands of the economy, presents a difficult dilemma. It is also not easily solved in other countries, in which it is difficult to find good examples. The assistant director of the Institute of Technical Training, Dr Krystyna Jachna, earnestly states that one and the other, and hence education and training of the enlightened citizen, as well as the responsible worker, require a broad general foundation. And of course, with this thought in mind, a new general curriculum is being constructed in technical schools.

General education, after all, is supposed to lead to the all-around development of technical school students, and also open for them the way to studies, and at the same time to aid in their preparation for aware, honest employment, with imagination. And of course this--future employment--presents specific demands from the standpoint of selecting general subjects.

The curriculum of general subjects in secondary technical schools is supposed to be the same as in liberal education secondary schools, and the number of hours prescribed for lessons pertaining to these subjects is also supposed to be the same.

The instructor will do the rest, having great freedom in the interpretation of curriculum contents, depending on the school in which he teaches and the profession which the school specializes in. Thought is even being given to the possibility of technical secondary schools using the same textbooks as those in the liberal education secondary schools, except that the instructor will have additional materials allowing him to supplement and fill them in with more precise subject matter for the benefit of the students; for example, in history, the association with the development of technology; in the study of foreign languages, with specialized vocabulary.

The students are also supposed to have a broad spectrum of subjects to choose from, including selected problems from pedagogy and psychology, philosophy and ethics, law, economics, environmental protection, as well as those concerning the main problems of contemporary civilization and scientific information. There are also supposed to be special classes entitled "Preparation for Reading."

General education thus conceived will also open the way for further studies for that segment of young people, especially males, the majority of whom are studying in technical schools. This is subject to the condition, however, that entrance examinations will become a test of the candidates' intellectual level and general education, and not of the type of knowledge gained by graduates of liberal education secondary schools. And this in turn will require changes in examination requirements--so state the authors of this concept.

Simultaneously with the preparation of the new general education concept in secondary technical schools (it will remain the same in primary schools), work is being conducted on a different approach to the technical preparation of the students in all these schools.

They are guided by the same idea, that general and technical subjects should intermingle and mutually complement each other and not lead students along two tracks that are independent of each other.

In accordance with this concept, technical subjects cannot be as heretofore an awkward copy of scientifically convenient disciplines, which in sum have provided a conglomeration of various, sometimes repetitive information, and led to the burdening of students with an excessive number of class hours. The new curriculum of technical subjects is supposed to be based on knowledge derived from general subject classes and the utilization of this knowledge. For example, from physics classes, a program adapted to the kind of school. Physics is to be different in mechanical technology than in agricultural technology, chemistry, geography, etc.

The new list of school professions is the basis for changes in technical training. This important document, on which the curriculum documentation of professional training is of course based, is now ready. It comprises many fewer school professions than before, their number dropping from 524 to 280, but because of this it includes a broader range of professional problems. This has very important significance, inasmuch as it influences the method of teaching, limits the number of programs and textbooks. And the professional characteristics of the graduates of individual schools included in the new list not only lead to a register of their skills, but also point out how the graduate should conduct himself as an employee prepared for socioeconomic activity and group cooperation.

A multitude of tasks still confront the Institute of Technical Training. It is most important that economic ministries and central bureaus unite in cooperation, because without them it would be difficult to obtain a full planned documentation of specialized subjects, which should long since have been ready.

One can only cherish the hope now that following the Sejm's confirmation of the amendment to the bill regarding the development of the system of education



and training, which also outlines the duties and obligations of economic ministries concerning technical training, the situation will change for the better, that conditions will arise permitting the ministries to meet this task. The answer to the question--what profession will the graduate pursue--after all, also depends on this.

9951

CSO: 2600/81

INFORMATION RIGHTS OF PRESS SPECIFIED

Warsaw DZIENNIK USTAW in Polish No 40, 30 Aug 84 pp 501-503

[Decree No 209 of the Council of Ministers dated 9 July 1984 on the issue of the information rights of the press and the organization as well as tasks of press spokesmen in the offices of state administration organs]

[Text] On the basis of article 11, paragraph 4 of the 26 January 1984 "Press Law" (DZIENNIK USTAW No 5, item 24), the following is decreed:

§1. 1. The main, central and regional organs of state administration, hereafter called "administrative organs," state enterprises and other state organizational units are obligated to inform the press about their activity and to provide indispensable explanations and assistance in the execution of its [press] functions and tasks.

2. Administrative organs and persons acting on their behalf are also obligated in their informational activity to explain and substantiate state policy and government activity.

3. The information furnished to the press must be complete, reliable and current; it cannot leave out difficulties and shortcomings or steps taken to eliminate them.

§2. 1. Information is provided upon the request of a journalist or editorial office.

2. State administrative organs, state enterprises and other state organizational units offer information within the realm of their own competence; if they do not possess such information at a given time, they have the duty to provide it to a journalist or editorial office during a determined period of time.

3. Administrative organs, state enterprises and other state organizational units should also, by their own initiative, establish and develop contacts with the press and furnish it with information of interest to the public.

4. Information, within the realm of their own competence, is provided by:  
(1) ministers, governors, city mayors, city managers, district managers, city and gmina managers, gmina managers, state enterprise directors and

managers of other state organizational units and their representatives, personally or by way of authorized persons according to the extent of their responsibility;

(2) press spokesmen.

5. A person who refuses to provide information is obligated to explain, at the journalist's request, the reasons for denying the information.

6. Information may be denied only for reasons of protecting state and official secrets or other secrets protected by law which concern persons or events in the news. At the request of the editor-in-chief, submitted either verbally or on paper, the denial is sent to the interested editorial office in written form within a period of 3 days together with an explanation.

7. A statement made to a journalist by an employee of an administrative organ, a state enterprise or other state organizational unit in his or its own name, in accordance with the freedom of speech and the right to criticize, does not constitute information provided in the name of an administrative organ, a state enterprise or other state organizational unit.

8. No one may be liable for damages or charges because of providing information to the press, if he or she acted within legal bounds.

§3. 1. Information may be conveyed in direct conversation, on paper, in the form of an interview or statement, at a press conference or other meetings with press representatives.

2. A person providing information has the right to request from a journalist valid identification or other valid document which provides proof of his right to gather news and which also includes the name of the editorial office which he represents.

3. The conveying of news information to a journalist may also take place by telephone or by other means of communication, if there is no need to verify the journalist's identity.

§4. The directors of organizational units are obligated to make it possible for journalists to contact workers and freely to obtain their comments and opinions, in keeping with the rules and regulations concerning the protection of state and official secrets and other secrets protected by law.

§5. Administrative organs, state enterprises and other state organizational units have the obligation to bring about, on the basis of and according to the procedures specified in the "Press Law," corrections in the press of false or inaccurate information, and also to publish a reply to a statement which threatens personal rights.

§6. 1. Administrative organs, state enterprises and other state organizational units have the obligation to counteract any and all attempts at blocking and hindering press criticism and intervention, and improper reaction to them.

2. Administrative organs, state enterprises and other state organizational units are obligated to maintain an objective attitude toward press criticism and intervention, to treat the latter as one of the methods of eliminating shortcomings and difficulties and to use it to improve their own activity.

§7. 1. Administrative organs, state organizations and other state organizational units are obligated to offer replies to press criticism without unnecessary delay no later than 1 month after receiving the proper publication or intervention.

2. In replying to press criticism or intervention, all charges raised should be dealt with objectively and information should be given about the ways in which the remarks and suggestions will be used.

§8. Press spokesmen for main and central administrative organs and for regional state administrative organs on the provincial level act within these organs.

§9. 1. The "government press spokesman" is appointed and dismissed by the chairman of the Council of Ministers.

2. The government press spokesman is accountable to the chairman of the Council of Ministers.

3. The detailed organization of activity of the government press spokesman is specified in separate rules and regulations.

§10. 1. The press spokesmen for ministers and governors, who act in the offices of these organs, are appointed by the appropriate ministers and governors; within the framework of press-informational activity; the press spokesmen are directly responsible to these organs.

2. Ministers and governors assure the press spokesmen conditions for carrying out their assignments.

§11. 1. Specifically, the government press spokesman:

- (1) represents and explains the position of the government on issues of domestic and international policy;
- (2) within the bounds of his authority, interprets government policy and, among other things, issues statements or expresses himself in other ways on behalf of the government;
- (3) provides information about the program and work of the government and the results of this work;
- (4) comments on national and international events;
- (5) notifies the chairman and the vice chairman of the Council of Ministers about official discussions with representatives of other countries and submits reports on the proceedings and outcomes of these talks;
- (6) defines the general directions of the press-informational activity of press spokesmen for ministers and governors;
- (7) assumes activity for the purpose of initiating proper reaction to press publications, particularly press proposals, criticism and intervention, by administrative organs and their subordinate organizational units;

(8) submits official news reports for press publication according to the principles and procedures specified in the "Press Law."

2. The government press spokesman:

- (1) informs the chairman of the Council of Ministers and the government about the opinions and outlooks expressed by the press, about its undertaken initiatives, the directions of press criticism and intervention and about the reactions of administrative organs to proposals and to published press criticism and intervention;
- (2) offers assistance to press spokesmen for ministers and governors, organizes periodic meetings for the exchange of experiences, for the uniformity of program policy, and for the purpose of conveying to them the opinions of the press community about their work;
- (3) analyzes the press-informational activity of administrative organs and presents appropriate recommendations to the chairman of the Council of Ministers and to the proper ministers and governors.

3. The government press spokesman takes into account in his activity the opinions and recommendations of the Press Council.

4. The government press spokesman works in cooperation with the main authorities of the Association of PRL Journalists.

§12. The press spokesmen for ministers and governors prepare proposals pertaining to the substance, directions and forms of press-informational activity of the administrative organ and assure their implementation.

§13. 1. It is the specific task of press spokesmen for ministers and governors to:

- (1) inform the press about the activity, programs and results of the work of the administrative organ and assure journalists access to information which is at the disposal of that organ and its subordinate organizational units;
- (2) interpret and comment on, within the bounds of the authority granted to them, the policies of the administrative organ and also, among other things, publish official statements;
- (3) present the situation in the field which is affected by the activity of the administrative organ;
- (4) present the position of the administrative organ on important issues which belong to its sphere of activity;
- (5) take on activity which is aimed at the proper use of press publications in the work of the administrative organ and its subordinate organizational units, and assure a reply to press criticism and intervention;
- (6) offer assistance to organizational units of the administrative organ in their press-informational activity.

2. It is also the responsibility of press spokesmen for ministers and governors to:

- (1) reply, within authorized bounds, to press criticism and intervention and prepare drafts of replies which the administrative organ gives directly;
- (2) analyze press publications on subjects related to the sphere of the administrative organ's activity and prepare comprehensive analyses of critical publications;



- (3) present more important publications to ministers and governors and their deputies;
- (4) prepare publications which present the position of the administrative organ in continuing press discussions;
- (5) control, by the authority of the administrative organ, the proper use in the work of the office of this organ of complaints and recommendations contained in press publications, and inform the press about the position of the administrative organ toward the opinions, proposals and postulates present in the mass media.

\$14. Press spokesmen for ministers and governors implement the tasks specified in \$12 and \$13 by:

- (1) conveying to the press bulletins about the decisions, programs and more important activity of the administrative organs;
- (2) organizing and, as the need arises, conducting press conferences;
- (3) presenting in the mass media and substantiating the activity of the administrative organs and inspiring appropriate publications on this subject;
- (4) holding informational and inspirational discussions with journalists on topics which belong to the sphere of the administrative organ's activity;
- (5) facilitating contact for journalists with members of the administration and also with other specialists employed in the office of the administrative organ and its subordinate organizational units;
- (6) editing, according to need, news bulletins;
- (7) preparing publications intended for the press which present the policy of the administrative organ, its activity and effects.

\$15. Press spokesmen for ministers and governors work in cooperation with the authorities and with clubs belonging to the Association of PRL Journalists.

\$16. The rules and regulations of the decree which pertain to providing information to the press and reacting to press criticism and intervention are used appropriately for cooperative organizations in terms of their socioeconomic activity and for persons who carry on private farm activity as well as for trade unions, self-governing organizations and other social organizations in terms of their commissioned assignments within the sphere of state administration and other similar public activity.

\$17. The press spokesmen for the minister of national defense, the minister of internal affairs and the minister of foreign affairs conduct press-informational activity on the basis of principles defined by these ministers.

\$18. Rules and regulations of the decree which pertain to:

- (1) ministers also apply accordingly to the managers of central offices;
- (2) governors also apply accordingly to the mayors of the capital city of Warsaw, Krakow and Lodz and, with the approval of the appropriate governor, also to the mayors of other cities divided into districts.

\$19. The rules and regulations of the decree do not apply to the foreign press. The procedures used for providing information to the foreign press are governed by separate rules and regulations.

§20. The following are no longer in force:

- (1) Resolution No 19 of the Council of Ministers of 17 February 1978 on the issue of further improving news information for the mass media (MONITOR POLSKI No 5, item 21 and 1983 No 26, item 141);
- (2) Resolution No 87 of the Council of Ministers from 18 July 1983 on the issue of press services in state administration (MONITOR POLSKI No 26, item 141), excluding chapters 4 and 5.

§21. The decree goes into effect on the day of its announcement.

Signed: Chairman of the Council of Ministers Army General W. Jaruzelski

9853

CSO: 2600/75

VATICAN PAPER CENSORS POLISH EDITION

AU122150 Rome ANSA in English 0900 GMT 12 Nov 84

[Text] (ANSA) Vatican, 12 Nov--The latest monthly edition in Polish of the Vatican paper OSSERVATORE ROMANO was published with four pages less because at the last moment a translation of a document on liberation theology which called Marxist regimes the same of our times was held back.

The article was published in the Vatican daily's September 3 edition.

It was the Italian Communist Party daily UNITA which first focused public attention on the fact that the article had been suppressed in the Polish edition, whose editor, Father Roman Boniecki, later confirmed the omission.

However, Boniecki said that the decision not to publish the Vatican document emanated from the Sacred Congregation for the Doctrine of the Faith and was taken prior to the kidnapping in Poland of Father Jerzy Popieluszko. The editor stressed that the order not to publish the document was not given by the pope.

UNITA, on the other hand, this weekend claimed that it was John Paul II who decided to make a gesture of detente towards the Warsaw regime of General Wojciech Jaruzelski.

The regime has been rocked by the kidnap and murder of Father Popieluszko by Polish secret service agents.

For years the Vatican daily OSSERVATORE ROMANO has put out weekly editions in English, French, Spanish, Portuguese and Italian.

When Poland's Karol Wojtyla came to the throne of St Peter, a monthly edition in Polish was started having a circulation of 110,000 copies.

CSO: 2020/23

## CHURCH CHARGED WITH POLICY OF CONFRONTATION

Warsaw PERSPEKTYWY in Polish 28 Sep 84 pp 4,5

[Article by Ryszard Swierkowski: "Which Model Is It?"]

[Text] GWIAZDA MORZA, the biweekly organ of the Gdansk diocesan curia, published an article written by Maria Mrozinska entitled "Is the Third Model Possible?" in issue no 14 (8-15 July [1984]). The text treats state-church relations and makes reference in particular to Cardinal Jozef Glemp's May homily in Krakow, including the section in which he spoke of possible models for church-state relations. The primate said: "Secular authority has never been comfortable with the church in this historical march. On the contrary, it often has created tremendous problems." He then gave two models of the state's relations with the church, the first envisaging, according to J. Glemp, the liquidation of the church and the second, the nationalization of the church "so that it becomes totally subject to the rules of society in the given country." There is, however, said the cardinal, a "third model, based on mutual understanding and good will, on the creation of possibilities for cooperation for the common good... This requires not only talks aimed at normalization, not only pacts, but above all the appropriate, mature national climate."

The editor of GWIAZDA MORZA set herself the task of presenting a more detailed registry and an analysis of the conditions that would make feasible this third model, "the possibilities for cooperation for the common good." While her goal is noble, her method of argumentation is overly personal. I shall present it, since similar tracts and "proposals" have appeared recently quite often in some publications of the Catholic press.

Mrozinska advises that in order to gain a perspective, one must "be aware of what is unchanging." To this end she cites a 1971 document issued by the Polish Episcopate Press Office. She observes correctly: "While this document is not very recent, it has lost none of its timeliness. It is a reminder of the fundamental, changeless principles essential to the proper structure of church-state relations."

To speak of changelessness is either naivete or demagoguery, for what is unchanging? Even within the compass of faith and the church and, perhaps, contrary to the general opinion, there exactly [changes are occurring], for as Kautsky observed, "no teaching is as capable of being adapted and changed as Christianity, although it is founded permanently upon the same writings. While the letter remains the same, the spirit that animates Christianity is extremely varied." Mrozinska, who is certainly well versed in this literature, ought to know that the passage of time has always necessitated the adaptation of the church to changing conditions. Hence the various interpretations of the readings (the Bible not excluded), including those regarding relations to the state authorities. As is known, a theology of authority even arose to complicate the resolution of the new dilemmas in state-church relations that were arising continually. Or perhaps the writer understands "fundamental and changeless principles" to be what in the document is most often an anachronism or a usurpation, for example, the following sentence: "Therefore, the legal position of the church in Poland, as in other countries, is and must be totally different than other religious ties." While the specific concept here is ecumenism, the reference to other countries is clearly a misapprehension.

#### The State Is Not Permitted

However, the principles proposed by GWIAZDA MORZA based on this 13-year-old document are most interesting. What is not permitted to the state according to these principles? "The state may not impose religion or ideology on anyone, nor may it work to bring people to abandon religion and adopt the world view it propagates. The school and other educational-upbringing institutions may not impose an education according to the principles of the world view held by those exercising authority."

How these statements are in error. Forcing one to adopt a given world view is something from a completely different era. Perhaps there are those that dream of a return to that age of intolerance and the triumph of clericalism. Certainly they are not the representatives of the socialist state that observe the principles of freedom of conscience and religion.

Then what do such statements really mean? They mean no more and no less than a dictate aimed at the state, the restricting of its sovereign rights and fundamental duties. The state is to abandon the propagation of the scientific world view and give up its ideological-upbringing functions! But the teaching and the transfer of knowledge in accordance with the present level of science are the duty of the school. Since social life, like nature, does not tolerate a vacuum, someone would have to take on these fundamental upbringing functions. Who? Obviously, it would be the church. Thus, we have the proposal for clericalizing the state. And it is being voiced now, 20 years after the resolutions of the Second Vatican Council that laid out so clearly the boundaries of the obligations of the state and those of the church. Let us also remember that this council not only approved of the division of church and state, and thus the division of functions, but it also ordered it, and that it clearly adopted the idea of the need for the harmonious coexistence of church and state, regardless of their system.



It would be a strange kind of coexistence where the state would be told what it is allowed to do and what it is not allowed to do.

But "prohibitions" are only part of what is demanded. The other part is the enumeration of what the state should do, or rather what it must do with regard to the church. The state, if it wishes normalization, must recognize "in the legal order and in practice that:

1. The Catholic Church is a legal body in public law and a social organization; the canonical institutions of the church are legal bodies.
2. The Catholic Church is governed by its own laws, i.e., the principles of the Gospel, moral laws and canon law.
3. The Catholic Church will make use of all rites with full freedom of action, in accordance with its mission and calling."

While the GWIAZDA MORZA article contains not one word about the sovereign laws of the state, the primacy of state law or its other clear prerogatives in the modern era, there are strong accents (and not only in this article) regarding the church's "own law" and its "full freedom of action." Thus, we must keep in mind the separation of church and state. There are various systems of separation; in practice there are as many as there are states that have introduced this principle of separation. Despite such differences, there are certain properties that are common to all systems of separateness. According to the definition given by Jerzy Godlewski ("Swiatopoglad, religia, panstwo" [World View, Religion, the State], Warsaw 1980), "the characteristics of the principle of separation of church and state are the recognition of the full sovereignty and independence of state authority from church organization, the supremacy of state's rights over church rights, the recognition of the supremacy of public law over church (canon) law and, finally, the subjection of churches and formal religious relations to the political and administrative control of state organs... The system of the separation of church and state puts an end to the granting of public dominion to the church and to the performance by church organs and officials of functions that are within the scope of state authority."

#### The Apostle Paul...

This is the case in all secular states, and the Catholic Church has accepted these principles. Let us add that it has done this in its own interest, working out its relationship to the state and state authority over the course of centuries. The biblical commandment, treated as a sort of religious constitution in affairs of political attitude, speaks of this. In his Letter to the Romans, the apostle Paul said: "Let every man yield to the superior authorities, for there is no authority but from God, and those that are set up by God. Therefore, anyone who opposes authority, opposes the order of God." Here we find confirmation and an extension of the gospel principle expressed in the words of Jesus: "Render, then, to Caesar, the things that are Caesar's, and to God the things that are God's," as well as of the Old Testament command of Solomon: "My son, fear the Lord and King, do not rise up against them." The modern-day church in the Second Vatican Council resolution "Dignitatis Humanae" asserts: "Like their Master, the apostles recognized lawful state authority: 'There is no authority but from God,' teaches the Apostle and

he orders, in view of this: "Let everyone be subject to the higher authorities.'" In "Pacem in terris," Pope John XXIII defined the principle of the nature of the church as above and beyond the system: "Generally, it is impossible to determine which is the most suitable state system and which are the most suitable forms of the exercise of authority by those ruling the state; of course, the current status quo and essential conditions of a given state, subject to changes contingent upon time and place, are of the greatest significance."

This statement, unprecedented and, unfortunately, not expressed again this clearly among those that have followed, is nonetheless of tremendous historical significance for the church. Here is the recommendation of the council decree on the duties of bishops as it regards the subject of cooperation of church and state: "Indisputably attending to caring for their flock, in effect the pious shepherds also work to benefit social and cultural progress and prosperity, manifesting to this end active cooperation with the state authorities within the framework of their duty and as befits a bishop, and encouraging compliance with valid laws and respect for legally established authority." The provisions of the council resolutions do not relate to some one state system affirmed by the church but are addressed to states with various social systems. They advise a distance between the church and the various state systems, as well as cooperation, but not identification. At the same time, this distance means noninterference into affairs that lie within the competence of the state and respect for its sovereignty. This was stated clearly in the decree on the mission work of the church "Ad gentes divinitis": "In no case does the church wish to meddle in the government of the earthly state."

It is odd that these important fragments of the council resolutions regarding issues of the separation of church and state have not been made known to the faithful and are not implemented everywhere in practice. There are people that treat them selectively, emphasizing the duties of state authority and ignoring duties to the state. Instead of the council resolutions, a wide variety of texts is drawn from different drawers for widely diverse purposes.

#### Rampant Clericalism

There is a real gap between the council statements and the demands made by such texts as that found in the diocesan publication GWIAZDA MORZA. There is a long list of publications and (unfortunately) sermons as well in which the nation and the state are opposed, in which "substantiations" are made of the idea that our model of the state does not suit the interests of the church and an apologetics for the bourgeois state is cultivated in which it is generally known as "parliamentary democracy." Volumes could be written on the subject of teaching limited obedience of state law and of recognizing Polish culture exclusively as those values that are associated with the Catholic tradition, and even in recent years, of fostering antistate opposition. Facts could be cited that lend a new quality to this "specifically Polish situation," facts that are shocking and otherwise untenable. These include the case of the hastily converted Sauls together with today's bigots using a combination of humbug and buffoonery in their instigative and provocative speeches made in

some churches reviling the state, its authority and its system. Oppositionist activity mingles here with clear signs of militant clericalism.

As is known, clericalism is that set of views and tendencies aimed at ensuring the clergy an overwhelming impact on sociopolitical life. The political movement emanating from these views that has developed since the mid-19th century and has the purpose of defending the position of the Catholic Church in laicizing states is also known as clericalism. Militant clericalism and political clericalism are especially rampant forms of clericalism. Unfortunately, they are the forms of clericalism we are dealing with in Poland. Minister Prof Dr Adam Lopatka spoke of this recently, presenting the assumptions of Polish religious policy: "Political clericalism likewise is expressed in the behavior of some priests. It is expressed in the use of places of worship, pilgrimages and other customs and religious garb to battle against the constitutional system of the PRL [Polish People's Republic], to slander the authorities of state organs or state officials and to undermine the international alliances on which the security and sovereignty of Poland are based. It is likewise expressed in the availability of places of worship and monasteries for holding meetings of a political nature as well as for voicing political ideas that undermine the authority of the state and its authorities."

It is curious that such spectacles that threaten public calm are felt by these parish lords to be in harmony with the words of the evangelist: "Blessed are the peacemakers, for they shall be called the children of God."

The work of some secular educational-cultural institutions is threatened due to self-financing. To be sure, parish institutions would like to assume them. Many new churches are equipped with multipurpose buildings that clearly go beyond the needs of strictly religious services. Recently in the POSLANIEC WARMINSKI, Halina Wistuba related the course of the topics discussed at the seminar "Architektura obiektow sakralnych--osrodek parafialny" [The Architecture of Sacral Buildings--the Parish Center], which was organized by the SARP [Association of Architects of the Polish People's Republic] ZG [Main Board] in conjunction with the Section on the Architecture of Sacral Buildings of the Warsaw Branch. The very titles of the seminar papers themselves express a great deal: "Role of the Parish Center in the Urban Area," "Culture as an Expression of Christian Life," "The Functional and Spatial Assumptions of the Parish Center." These papers emphasized that the parish center, "in addition to the church building, housing and administrative rooms, should possess suitable catechetical rooms and multipurpose rooms. The same room may be used as a chapel, a catechetical room, a live theater auditorium or a movie theater, as well as a place where musical ensembles could practice."

In this way the demands of the state in the institutional-legal sphere mentioned in GWIAZDA MORZA find their implementational consequences years later in the sphere of preparing the material infrastructure on a massive scale. The occupation of spheres formerly reserved for the work of the secular state, accompanied by attacks on this state, is to be, according to some, that "third model." No mention is made of the fact that Primate Glemp spoke of "mutual understanding and good will" when he presented the principles of the third model. This bizarre sort of good will to the state is propagated in some of the Catholic press. Under the verbal mantle of the "third model," GWIAZDA MORZA archaically models an offering that is simply and quite openly a program for clericalizing the state and returning to the Catholicism of the Saxon period.

CAUSES OF POOR WORK ETHIC EXPLORED

Warsaw PERSPEKTYWY in Polish 28 Sep 84 pp 14,15

[Interview with Professor Stanislaw Czaja, director of the Labor and Social Affairs Institute, by Wojciech Krasucki: "One Cure Is Not Enough"; date and place not specified]

[Text] Weekday at noon, Warsaw streets are crowded. Who, and when, does, in fact, any work in our country? Experts have concluded that the real worktime in Poland is shorter than provided for. Here is a major reserve for increased production, lower costs, and efficiency. We asked Prof Stanislaw Czaja, director of the Labor and Social Affairs Institute, about the utilization of worktime.

[Question] According to the Main Statistical Office [GUS], the worktime of a "statistical worker" in key industries has risen from 931.7 hours in the first half of 1983 to 940.3 hours in the first half of this year. Does this mean that we are now working better?

[Answer] Those figures might well presage some favorable trends, but I would advise you to treat them with caution, since they deal with a complex problem. The improvement accomplished remains slight, and besides, it is mostly the result of working overtime. In the same period of time, sick leaves have risen from 73.7 to 76.6 hours per worker, and leaves granted for sick-care or quarantine from 8.4 to 9.1 hours.

[Question] What has improved, then?

[Answer] There have been fewer work stoppages, and less justified or unjustified absenteeism.

[Question] Would this, therefore, indicate that the rise in overtime is the main problem?

[Answer] This increase lends itself to no easy or unambiguous assessment. On the one hand, it indicates that the employees attach growing importance to supplementary income, and agree to extended worktime; under the existing circumstances, this affects production favorably. On the other hand, the increase



in the number of overtime hours is disturbing, and requires more profound analysis. It might indicate an employment pattern unsuited to our needs, and it might also provide means to resist irregular work. In any case, overtime work raises production costs. Let us keep in mind that we are all consumers, too.

[Question] As a rule, Polish tourists in major European cities do not see as many people on the streets during working hours as they do at home. How then, in comparison with others, do we measure up as far as worktime is concerned?

[Answer] I would dissuade you from assessing the economy from the point of view of street congestion, since it frequently produces a distorted image. Unfortunately, in Poland there is nothing new in this kind of "congestion"; it has gone on for years, and does not ebb. Its causes have to be treated in connection with the difficulties involved in getting things done in offices or institutions, in shopping and service outlets.

[Question] Does any one do any research in this area?

[Answer] Surveys of time use in working families, carried out by GUS every few years, reveal that citizens in Poland waste much more time than in other countries in getting things done in offices; repeated personal attendance, for instance, is required not only in queuing in line when one gets one's number, but in offices, health centers, etc., as well. Things which somewhere else are done by phone or by mail here have to be personally attended to. Research carried out by the Labor and Social Affairs Institute has indicated that streamlining the organization of work in those institutions which serve the population would save a lot of wasted time.

[Question] A lot is still being wasted, and apparently we have become reconciled to it.

[Answer] That is it! It is therefore disturbing that the need to leave work in order to "get something done" has massively perpetuated an improper approach to worktime, and has not favored labor discipline. For many people, attending to their private affairs during working hours has become normal, in particular since no one objects to it.

[Question] But I do not believe that in this respect a change can be accomplished solely by stricter enforcement of labor discipline. In the past we have never been able to achieve it.

[Answer] That is why, in addition to attempts to discipline labor, we have to modernize the organization of those institutions which serve the population, and thus to avoid a clash between getting things done there and the discipline of labor. Wherever possible, flexible working hours should be restored. Let us remember that, when all is said and done, Poland is a country of considerably high professional activity of women. In other countries the mother of the family, a non-working woman, attends to various things while the husband is at work.



Poland is a country of relatively short worktime. Drawing on 1979 figures--not always comparable--I would say that in Austria, Hungary, the Scandinavian countries, and Belgium the working time is shorter than here. Working hours are longer in the USSR, France, Greece, the Netherlands, Yugoslavia, the Federal Republic of Germany, and Great Britain. But some of those countries clearly and quickly are moving toward shorter working hours.

[Question] Would that mean that automation and robotization have already begun to drive human labor out?

[Answer] In a capitalist country the main reason for shorter worktime is very down-to-earth: in the face of unemployment--in the FRG, for instance--the intention is to cut working hours in order to create additional jobs.

[Question] The comparisons you have quoted put us somewhere in the middle. That is not so bad, after all!

[Answer] That matters less than the fact that in Poland the worktime--given the economic situation and the low labor productivity--is disturbingly short. Moreover, at the beginning of the present decade the cuts in working hours were not--for very well-known reasons--accompanied by any attempts to raise productivity, which then declined rapidly! Instead, worktime has been cut at a time of acute labor shortage and a halt in the dynamics of technological progress. In the next few years we have, therefore, to reconcile the worktime dimension expected by the people with the equally expected raising of living standards.

[Question] It would seem that you advocate cuts in such social benefits as the shortened worktime in Poland!

[Answer] By no means! I believe instead that the fear or temporary curtailment of the previously achieved right to a 5-day work week might become a powerful stimulus, which would move the work forces to pay more attention to the search for and management of all the production reserves, including worktime.

[Question] Whenever I hear of mismanaged worktime, I have mixed feelings. I agree that labor discipline in Poland is poor, but after all the utilization of worktime depends on full and regular supplies needed for production; on the quality of these supplies; on the state of machines and tools; on the organization of labor in the enterprises and on cooperation; on transportation, and many other factors. Might it not be worthwhile to try and set some priorities among those factors and to arrange their hierarchy, in order to know where we should begin to cope?

[Answer] You have just raised a crucial problem. The utilization of worktime of workers and equipment during the work day is--in my opinion--much more important than the worktime results, since in this respect the opportunities for effective action are greater than the in case, for instance, of fighting against absenteeism. The issue is often underrated. The GUS reports fail to

give credible figures which would reflect the utilization of the working day, and thus the problem remains ignored by those responsible for making economic decisions. Analyses and observations indicate that during work days the waste of time is most differentiated: in some enterprises it amounts to 20-30 per cent, but sometimes reaches even 80 percent. There is, however, no way to establish a nationwide priority list of factors that waste time during the working day. As you yourself have said, they are very different, and most frequently a number of them appear, either simultaneously or alternately. I think, therefore, that in each case it requires determined and immediate deliberation and solution by independent, self-governing enterprises within the framework of powers granted to them by the reform.

[Question] But without support from the center the enterprises would not be able to eliminate all the causes of time-wasting during the working day, to name just the supply shortage.

[Answer] The role of the center consists mainly of creating circumstances under which the enterprises would find disclosure and elimination of time wastage during the work day both profitable and feasible. One of the instruments, therefore, should involve a system of organizing and regulating work inside the enterprises. In many enterprises such a system, introduced in the early 1960's despite many difficulties, has in fact ceased to operate.

[Question] The regulation and organization units have indeed disappeared, and their staff has been dispersed, but even in the past they were not always appreciated by the work forces. The reconstruction of those services might therefore raise suspicion that the independence of the enterprises is being curtailed.

[Answer] At least some of this anxiety should have been dispelled by the press, radio and TV, which should have been stressing that there is an irrevocable relation between good, well-organized and disciplined work, and our living standards. Wage increases unrelated to higher productivity are, after all, an illusory achievement.

[Question] The popular notion that without increased supply of goods wage hikes force price hikes, and thus wind up the inflationary spiral, is growing. Nevertheless, Poles abroad continue to work better than at home. Here, at home, not everybody finds better work more rewarding. A vicious circle! Could it be cut by an enterprise system of motivation?

[Answer] You have voiced a fairly popular opinion which extols Poles' work abroad. Generally, it is true. But, first of all, people sent abroad are usually good experts who work well at home, too. Second, good work done by Poles abroad is determined by the level of organization of labor, and by lack of other "objective" factors which favor sloppy work. And finally, the motivation is the most important. Its reflection, or indication, is the opportunity to buy certain goods for wages earned, and the conviction that on the way from the payroll office to the store cash-register no nightmare inflation can reduce the earnings, and that no producer can reduce the quality

of his products overnight. Let me add, by the way, that the percentage of our countrymen who have failed to work the period of time provided by their foreign contracts in full is surprisingly high, and in some cases reaches 50 percent. This means that half of those employed abroad return before their time. But let me go back to motivation. Those polled by the institute on their work abroad have listed the points I mentioned before as the ones which favor good work. But there was the following answer: "I work well because I am afraid of being sent home." Here we are back to the old truth that easily available, underappreciated, and poorly remunerated work rules out all rational arguments about motivation.

[Question] This truth might, however, induce rather drastic conclusions...

[Answer] I have always reiterated the unpopular truth that the excessive social-welfare character of the state is reflected not--as some people claim--in social benefits, but in an irrational employment policy; its specifically Polish feature is excessive employment, both absolutely and structurally.

[Question] But this virtually amounts to a praise of unemployment, Professor!

[Answer] By no means! Unemployment under socialism? We cannot let public opinion be frightened by the specter of alleged unemployment, or even by predicting reduced employment. Such prognoses are often voiced by the same people who at the beginning of the reform used to raise the specter of unemployment. Such myths are propagated by incompetent economic bureaucracy at all levels of labor resource management. The facts are well known, as are the effects.

[Question] And among them there are the permanent and insufficiently effective modifications in the Vocational Activation Fund [FAZ], taxes, various deductions, often of an arbitrary rather than systemic nature. In other words, in various "props" of the reform, as some people call them. Would it be possible to do without them, Professor?

[Answer] One has to make a choice: either let the economic instruments of the reform function, or improve the system of indexing. But alternate and simultaneous use of the two methods can bode no good.

[Question] But you will admit that the enterprise wage systems constitute economic instruments, unambiguously linked with the reform, to enforce, inter alia, better utilization of worktime?

[Answer] The work forces should welcome better labor discipline as an opportunity to find means to increase wages on their own. And that is what has begun to happen. Enterprises which in 1982-83 introduced experimental rules of remuneration are by now reporting improved worktime management. But it is still too early for a general assessment: only in the second half of 1984 will several hundred enterprises introduce enterprise wage systems, based on the 26 January 1984 law. The situation on the labor market will also

determine better utilization of worktime. Alleged or actual labor shortage in various professions renders the enforcement of discipline impossible; a worker with skills in short supply can always find employment somewhere else, and what is more, will get paid better there.

[Question] The research carried out over 3 years (1980-83) by the radio and TV center raises, nevertheless, some optimism, since labor productivity and good labor quality are at the top of the list of factors which--according to those polled--should determine the level of wages. It seems as if the concept of the reform has been gaining ground, even though the chasm between consciousness and practice still exists.

[Answer] It is true that most workers wish to be paid according to the results of their work. Such a system already exists in the case of the 48 percent of workers employed in industry who do piecework. But the wage differentials between those who work best and those who are just doing their job are still too small, and therefore fail to encourage the achievement of highest results. The situation will gradually improve with the introduction of new rules of remuneration. Even now, one can see the growing wage differentials between various branches of enterprise work forces. Properly motivated enterprise wage systems are therefore a necessary, but only partial, measure needed to improve the situation.

Equally necessary are better organization of the entire economy; a market situation which would provide wages with genuine motivation value; and commitment to work, including the conviction that a bad worker had fewer chances on the labor market than a good one. Improved utilization of worktime and higher labor productivity can therefore be accomplished solely through combined operations which would involve the economy as a whole, as well as various aspects of social life; that is where the source of difficulties in overcoming the crisis is to be found.

[Question] But that requires a long period of time needed, for instance, to modify structures, and for that purpose major outlays are necessary.

[Answer] Yes, but the relations between managers and work forces, for instance, can be improved quickly and without outlays, without waiting for capacities of the economy as a whole; inspection can be tightened, responsibility can be refined, just assessment of work can become more profound. I think that that is where the cure for our worktime management should start.

[Interviewer] Thank you for the interview, Professor.

12485  
CSO: 2600/79

POLISH-NORTH KOREAN LEARNING COOPERATION--Pyongyang, 25 Oct (PAP)--A delegation of the Polish Ministry of Science, Higher Learning and Technology, which would up its visit to the Democratic People's Republic of Korea, and officials from the Korean education and state and scientific and technological commissions agreed to expand cooperation in higher learning between the two countries. Under the agreement Polish and Korean universities are to establish direct ties in staff training and scientific research. Poland's Minister Professor Benon Miskiewicz who headed the delegation was received by Vice-President of the Republic Yim Chun-chu. [Text] [Warsaw PAP in English 1412 GMT 25 Oct 84 LD]

CSO: 2020/23



DECREE ON MACHINEBUILDING, METALLURGICAL COUNCIL AMENDED

Bucharest BULETINUL OFICIAL in Romanian Part I No 77, 22 Oct 84 p 2

[Council of State Decree Amending Article 9 of Decree No 54/1979 on the Organization and Operation of the Council for the Coordination of Streamlining, Specialization and Cooperation in the Machinebuilding Industry and the Metallurgical Industry]

[Text] The Council of State of the Socialist Republic of Romania decrees:

Sole article--Article 9 of Decree No 54/1979 on the organization and operation of the Council for the Coordination of Streamlining, Specialization and Cooperation in the Machinebuilding Industry and the Metallurgical Industry is amended and will have the following content:

"Article 9--The chairman of the Council for the Coordination of Streamlining, Specialization and Cooperation in the Machinebuilding Industry and the Metallurgical Industry is a deputy prime minister of the government and is appointed by presidential decree.

"The deputy chairman, the members of the Council and of its executive bureau, as well as the secretary of the Council, are appointed by decision of the Council of Ministers, upon recommendation of the chairman."

Nicolae Ceausescu  
President of the Socialist Republic of Romania

Bucharest, 19 October 1984  
No 364

CSO: 2700/39

## BRIEFS

**PEOPLE'S COUNCIL APPOINTMENTS**--On the basis of Article 97 of Law No 59/168 on the organization and operation of the people's councils, the President of the Socialist Republic of Romania decrees that Comrade Ion Savu is delegated to fill the position of chairman of the executive committee of the Alba County People's Council and Comrade Dumitru Alecu is delegated to fill the position of chairman of the executive committee of the Gorj County People's Council. [Excerpts] [Bucharest BULETINUL OFICIAL in Romanian Part I No 78, 26 Oct 84 p 3]

**NEW POSITION FOR IONESCU**--The President of the Socialist Republic of Romania decrees that Comrade Nicolae Ionescu is relieved of his position as deputy chairman of the State Planning Committee and appointed director general of the Central Directorate for Statistics. [Excerpts] [Bucharest BULETINUL OFICIAL in Romanian Part I No 78, 26 Oct 84 p 3]

**MINISTERIAL APPOINTMENTS**--The President of the Socialist Republic of Romania decrees that Comrade Ion Lazarescu is relieved of his position as minister of mines, Comrade Marin Stefanache is appointed minister of mines, Comrade Gheorghe Fulea is relieved of his position as deputy minister of mines and Comrade Irimie Catargiu is appointed deputy minister of mines. [Excerpts] [Bucharest BULETINUL OFICIAL in Romanian Part I No 78, 26 Oct 84 p 2]

**APPOINTMENT FOR CONSTANTIN**--The president of the Socialist Republic of Romania decrees that Comrade Nicolae Constantin, deputy prime minister of the government, is appointed chairman of the Council for the Coordination of Streamlining, Specialization and Cooperation in the Machinebuilding Industry and the Metallurgical Industry. Presidential Decree No 118/1979 is no longer applicable. [Excerpts] [Bucharest BULETINUL OFICIAL in Romanian Part I No 77, 22 Oct 84 p 3]

**RECOGNITION OF ORTHODOX BISHOPS**--The president of the Socialist Republic of Romania decrees that Bishop-Vicar Gheorghe Cristea is recognized in the position of bishop of the Diocese of Rimnicu and Arges, to which he was elected by the Electoral College of the Romanian Orthodox Church on 30 September 1984. Bishop-Vicar Traian Sevcicu is recognized in the position of bishop of the Diocese of Arad, Ienopola and Halmagiu, to which he was elected by the Electoral College of the Romanian Orthodox Church on 30 September 1984. [Excerpts] [Bucharest BULETINUL OFICIAL in Romanian Part I No 77, 22 Oct 84 p 4]

YUGOSLAVIA

LAW ON FINANCING ARMY

Belgrade SLUZBENI LIST SFRJ in Serbo-Croatian No 53, 5 Oct 84 pp 1219-1229

[Promulgation and text of law enacted by the SFRY Assembly in a session of the Federal Chamber on 26 September 1984 in Belgrade, signed by Veselin Djuranovic, chairman of the SFRY State Presidency, and Dusan Alimpic, president of the SFRY Assembly: "Law on the Resources and Financing of the Yugoslav People's Army"]

[Text] Ukase Promulgating the Law on the Resources and Financing of the Yugoslav People's Army

The Law on the Resources and Financing of the Yugoslav People's Army enacted by the SFRY Assembly in a session of the Federal Chamber on 26 September 1984 is hereby promulgated.

Belgrade, 26 September 1984

Chairman of the SFRY State Presidency,  
Veselin Djuranovic (signed)

President of the SFRY Assembly,  
Dusan Alimpic (signed)

LAW

ON THE RESOURCES AND FINANCING OF THE YUGOSLAV PEOPLE'S ARMY

Title I. General Provisions

Article 1

The management and disposition of social resources used in the Yugoslav People's Army and Federal Secretariat for National Defense to meet their needs (hereinafter "resources of the YPA") and the financing and conduct of material and financial business transactions of the Yugoslav People's Army shall be regulated by this law.

## Article 2

The federal secretary for national defense (hereinafter the "federal secretary"), commanding officers of military units and military institutions so authorized by this law and persons so authorized by the federal secretary shall manage and dispose of the resources of the YPA, as resources of the Federation, in conformity with law and other enactments.

In the exercise of their rights under Paragraph 1 of this article the federal secretary and other authorized persons shall have the powers, obligations and responsibilities set forth in this law and other enactments.

## Article 3

As an exception to the provisions of Article 2 of this law, rights with respect to management, use and disposition of certain resources of the YPA may be temporarily transferred to the competent opstina authorities during a mobilization of the Armed Forces of the Socialist Federal Republic of Yugoslavia or a portion of them.

The federal secretary shall issue regulations on the manner of transfer of the rights referred to in Paragraph 1 of this article and on the procedure for management and use of the resources and disposition of the resources of the YPA with respect to which those rights are being transferred.

## Article 4

For the purpose of this law "resources of the YPA" means movables and immovables, property rights and money resources.

For the purpose of this law "property rights" means copyrights, rights to patents and technical improvements and rights to distinguishing marks, easements, and other property rights which the Yugoslav People's Army enjoys on any legal basis whatsoever.

## Article 5

Money resources which constitute resources of the YPA (hereinafter "money resources of the YPA") are as follows:

- 1) money resources furnished in the budget of the Federation to meet the needs of the Yugoslav People's Army;
- 2) money resources realized through the sale of articles which are outdated, unnecessary and written off or through the sale of property rights;
- 3) money resources realized as income by the military units and military institutions of the Yugoslav People's Army (hereinafter "military units and military institutions") by rendering services and by selling their own products;
- 4) money resources realized on some other basis.

#### Article 6

The Yugoslav People's Army may acquire resources on any basis envisaged by law or other enactments.

#### Article 7

Military institutions engaged in production, the rendering of services or an activity of similar nature as designated by the federal secretary pursuant to the federal law regulating service in the Armed Forces of the Socialist Federal Republic of Yugoslavia may acquire resources and charge prices for products which they sell and services which they render to meet the needs of military units and military institutions, territorial defense staffs, units and institutions, members of the Yugoslav People's Army and other users.

#### Article 8

The resources of the YPA shall be classified by purpose as follows:

- 1) resources to equip the Yugoslav People's Army;
- 2) resources for the regular activity of military units and military institutions;
- 3) resources for the social services of military personnel and civilians serving the Yugoslav People's Army;
- 4) resources for special purposes.

A regulation of the federal secretary shall define in more detail what qualifies as resources for equipping the Yugoslav People's Army, resources for regular activity, resources for social services and resources for special purposes in the context of Paragraph 1 of this article.

#### Article 9

The military institutions referred to in Article 7 of this law may also classify and distribute the resources which they use in some other manner prescribed by the federal secretary, in conformity with the nature and tasks of those institutions.

#### Article 10

The Federal Secretariat for National Defense and military units and military institutions are required to use the resources of the YPA economically and for the purpose specified, in conformity with law and regulations enacted on the basis of law.



## Article 11

The resources of the YPA may be pooled with the resources possessed by social-political communities for their agencies or organizations, organizations of associated labor, or other self-managing organizations and communities, socio-political organizations or other public organizations for the purpose of performing certain tasks in national defense which are in their common interest and in order to meet certain needs of the Yugoslav People's Army.

The relations which result from the pooling of resources pursuant to Paragraph 1 of this article shall be regulated by a self-management accord, but they may also be regulated by a contract.

The self-management accord or contract referred to in Paragraph 2 of this article shall be concluded on behalf of the Federation by the federal secretary or by the commanding officer of a military unit or military institution whom he authorizes.

As an exception to the provision of Paragraph 1 of this article, in the cases and under the conditions prescribed by the federal secretary, certain resources of the YPA may be used along with resources of self-employed persons engaged in agriculture or some other economic activity.

The relations which result from the use of resources pursuant to Paragraph 4 of this article shall be regulated by a contract.

## Title II. Planning and Use of the Money Resources of the YPA

### Article 12

The money resources to finance the Yugoslav People's Army shall be furnished according to the medium-term plan for developing, building and equipping the Yugoslav People's Army, set forth in conformity with the social plan of Yugoslavia.

### Article 13

Money resources to finance the Yugoslav People's Army budget shall be furnished in the federal budget in a total amount, pursuant to regulations on financing the Federation and the provisions of this law.

The revenues which military units and military institutions realize by rendering services and selling their own products shall be recorded separately in the actual amounts as both revenues and expenditures in the federal budget.

As an exception to the provision of Paragraph 2 of this article, revenues of military institutions referred to in Article 7 of this law shall not be recorded in the federal budget.

#### Article 14

Money resources earmarked for financing the Yugoslav People's Army during a calendar year shall be set forth and distributed by the plan for the tasks and financing of the Yugoslav People's Army (hereinafter the "YPA financial plan") for that year.

The YPA financial plan shall state the total money resources earmarked for financing the Yugoslav People's Army in the relevant calendar year from the sources set forth in this law and shall distribute them among the purposes enumerated in Article 8 of this law and among the military units and military institutions, in conformity with the medium-term plan for developing, building and equipping the Yugoslav People's Army.

The federal secretary shall issue the YPA financial plan.

#### Article 15

Advance cost estimates stating and distributing money resources which under the provisions of this law shall be set aside in special accounts and for special purposes shall also be an integral part of the YPA financial plan.

The advance cost estimates referred to in Paragraph 1 of this article shall be issued by the federal secretary.

#### Article 16

The money resources stated in the YPA financial plan for financing military units and military institutions shall be distributed among purposes and tasks by plans for the tasks and financing of military units and military institutions (hereinafter the "financial plan of the military unit or military institution").

The financial plans of military units or military institutions shall be issued by the commanding officers of those units or institutions, but they are subject to approval of the immediately superior commanding officer.

#### Article 17

The YPA financial plan and the financial plans of military units or military institutions may set aside a portion of money resources as a current reserve--to finance unforeseen needs.

#### Article 18

Money resources earmarked for financing the equipping of the Yugoslav People's Army may be set aside in separate accounts and used according to separate programs set forth in the medium-term plans for developing, building and equipping the Yugoslav People's Army.

#### Article 19

Money resources realized by transferring rights pertaining to articles constituting resources of the YPA for compensation and by selling and leasing articles intended for equipping the Yugoslav People's Army may be used only to finance the development and equipping of the Yugoslav People's Army.

#### Article 20

Money resources earmarked for regular activity of military units and military institutions shall be allocated to those units and institutions in a global amount as a function of needs and tasks assigned, according to the criteria and scales prescribed by the federal secretary.

#### Article 21

Out of the money resources earmarked for regular activity of military units and military institutions personal incomes shall also be paid to active military personnel and civilian employees in the Yugoslav People's Army, directly to those personnel through their current accounts or in some other manner used in settlement, pursuant to the regulation which is to be issued by the federal secretary.

#### Article 22

The money resources realized through the transfer or alienation of articles which are resources of the YPA intended for regular activity shall be used for the updating and purchase of articles for the regular activity of the Yugoslav People's Army.

#### Article 23

The money resources of the YPA intended for social services shall be used to build and acquire housing units, for the organization and use of rest and recreation of active military personnel and civilian employees in the Yugoslav People's Army and to meet cultural and other community needs of members of the Yugoslav People's Army.

Money resources of the YPA assigned to social services may be used to establish restaurants, vacation resorts and other military institutions for rendering services to members of the Yugoslav People's Army.

#### Article 24

Money resources of the YPA realized through the transfer of rights pertaining to things which are resources of the YPA, through the sale or leasing of articles intended for social services, and through depreciation of residential buildings and other facilities which serve the purpose of providing social services, shall be used for social services.

## Article 25

The Federal Secretariat for National Defense may on behalf of the Federation, pursuant to general regulations, enter into credit and other business relationships with banks and other organizations through the Military Service, a component of the National Bank of Yugoslavia (hereinafter the "Military Service") in order to obtain additional resources to finance housing construction to meet the needs of active military personnel and civilian personnel employed in the Yugoslav People's Army.

## Article 26

The Federal Secretariat for National Defense shall set aside from the money resources furnished in the federal budget to finance the Yugoslav People's Army money resources for participation in investments in facilities for the production and repair of armament and military equipment and in other facilities of particular importance to national defense, in accordance with the medium-term plan for developing, building and equipping the Yugoslav People's Army.

## Article 27

The money resources referred to in Article 26 of this law shall be extended to organizations of associated labor in the form of credit or shall be pooled with the resources of those organizations pursuant to the provisions of Article 11 of this law, on the basis of programs adopted for construction, reconstruction and modernization of facilities for the production and repair of armament and military equipment and other articles especially important to national defense.

The federal secretary can write off credits or a proportional part of credit extended for the facilities referred to in Paragraph 1 of this article if those facilities, in accordance with the medium-term plans for developing, building and equipping the Yugoslav People's Army, are not sufficiently utilized in peacetime.

## Article 28

The money resources referred to in Article 26 of this law may be used to finance the construction, reconstruction or modernization of facilities for the production and repair of armament and military equipment which serve as reserve facilities to meet the needs of the country in wartime, without requiring repayment of those resources.

## Article 29

Obligations charged to the money resources of the YPA may be entered into only within the limits of the money resources set forth and distributed in financial plans.

As an exception to the provision of Paragraph 1 of this article, if the interests of nationwide defense so require, the federal secretary or commanding officer whom he authorizes may enter into obligations running over several years within the limits of the money resources envisaged by the medium-term plan for developing, building and equipping the Yugoslav People's Army.

#### Article 30

The money resources of the YPA may also be used through the Military Service, pursuant to law and regulations enacted on the basis of law.

#### Article 31

The revenues which military units and military institutions realize by rendering services and selling their own products shall be used to cover the costs of production and sale of those products and the costs of rendering those services, as well as for other needs pursuant to the provisions of this law.

#### Article 32

Money resources of the YPA under the YPA financial plan and the financial plans of the military units and military institutions, which go unspent shall be carried over to the next year and shall be distributed by the financial plans for that year.

### Title III. Immovables of the Yugoslav People's Army

#### Article 33

The general statutes on socially owned immovables shall also apply to immovables which are used and managed and disposed of by the Yugoslav People's Army (hereinafter "immovables of the YPA"), unless this law provides otherwise.

#### Article 34

Rights with respect to immovables of the YPA may be transferred to sociopolitical communities, organizations of associated labor, self-managing communities of interest and other self-managing organizations and communities as well as to other sociopolitical organizations and other public organizations.

Rights pertaining to immovables of the YPA shall as a rule be transferred for a compensation which corresponds to the market value of the immovable at the time when the contract is concluded.

Rights pertaining to immovables of the YPA may be transferred without compensation only exceptionally, if this is in the particular interest of nationwide defense. The federal secretary or officer whom he authorizes shall ascertain the existence of that interest.



## Article 35

Immovables of the YPA may be sold to civil juridical persons, individuals and their associations only at a price which corresponds to the market value of that immovable at the time when the contract is concluded, provided they can acquire the right of ownership to such immovables under general legislation on immovables.

If a certain immovable of the YPA cannot be sold at a price which corresponds to its market value, it may, as an exception to the provision of Paragraph 1 of this article, be sold at a lower price. The decision on this shall be made by the commanding officer competent to decide on the sale of that immovable, in conformity with a regulation issued by the federal secretary.

## Article 36

Immovables of the YPA may be loaned for temporary use to sociopolitical communities, organizations of associated labor, self-managing communities of interest and other self-managing organizations and communities, as well as to sociopolitical organizations and other public organizations.

Immovables of the YPA may be leased to civil juridical persons, individuals and their associations if they may lease such immovables under general legislation.

In the cases referred to in Paragraphs 1 and 2 of this article immovables of the YPA may be loaned for temporary use or leased for a time which may not exceed 10 years.

Immovables of the YPA may be loaned for temporary use without compensation only on the basis of approval of the federal secretary or officer whom he authorizes.

## Article 37

Immovables of the YPA may be sold and leased to civil juridical persons, individuals and their associations solely on the basis of a public competition, and by direct negotiation if the immovable of the YPA has not been sold or leased even when the public competition was repeated.

## Article 38

If only a part of a certain immovable constitutes resources of the YPA, the Federal Secretariat for National Defense or military unit or military institution designated by the federal secretary shall have the right of first refusal of the remainder of that immovable.

The owner of a part of an immovable as referred to in Paragraph 1 of this article which does not constitute a resource of the YPA must first offer that part for sale to the agency referred to in Paragraph 1 of this article and must accompany the order with all the terms and conditions of the sale.

The agency which has the right of first refusal in the context of Paragraph 1 of this article must within 60 days from the date of receipt of the written offer inform the offerer in writing whether it wishes to exercise its right and accept the offer. If the agency which has the right of first refusal does not within that period notify the offerer in writing, it is assumed that it does not wish to exercise its option.

If the agency which has the right of first refusal does not accept the terms of the offer, the offerer may sell the immovable to someone else, but only under the same or more favorable conditions than those which he offered to that agency.

If the agency which has the right of first refusal offers its own terms in its written notification, the offerer may sell the immovable to someone else within 15 days of the date of receipt of the notification only on more favorable terms and conditions.

A suit claiming violation of the right of first refusal may be filed within 1 year from the date of transfer to the public books in which the transfer is entered.

The provisions of this law shall also be appropriately applied to the holder of a right with respect to disposition, use and management of a portion of an immovable which does not constitute a resource of the YPA and which he intends to convey.

#### Article 39

The provisions of Article 38 of this law shall also be appropriately applied to the holder of a right concerning disposition, use and management or to the owner of a portion of an immovable which does not constitute a resource of the YPA who intends to lease that portion.

A suit claiming violation of the right stated in Paragraph 1 of this article may be filed within 6 months from the date when the military unit or military institution exercising the right with respect to disposition, use and management of the other part of the immovable learns of the lease, but no later than 1 year from the date when the contract was concluded.

#### Article 40

A real easement pertaining to an immovable of the YPA may be founded only on a contract concluded by the federal secretary or officer whom he authorizes.

A real easement pertaining to an immovable of the YPA may not be established if exercise of that right could be harmful to the interests of nationwide defense.

#### Article 41

Water that falls within water management facilities, installations and equipment which constitute resources of the YPA or have been built with those resources shall be used by military units and military institutions.

The facilities, installations and equipment referred to in Paragraph 1 of this article, relinquished for use and maintenance to water management and other organizations, may not be included in the cadastre of water resources of those organizations.

#### Article 42

The federal secretary may establish hunting grounds on lands which constitute resources of the YPA.

The federal secretary is hereby authorized to approve the master game management plan for the hunting grounds referred to in Paragraph 1 of this article, prescribe the hunting regulations and performance of the tasks of game wardens.

#### Article 43

Aside from military structures built within the military domain (vojne krug), to meet the needs of the Yugoslav People's Army, immovables of the YPA shall be entered in the public books in which transfers are entered under general legislation, but the Socialist Federal Republic of Yugoslavia--Federal Secretariat for National Defense shall be entered as the holder of the right with respect to disposition, use and management.

For the purpose of Paragraph 1 of this article "military structures" refers to underground and above-ground structures with accompanying infrastructure and a military purpose defined in advance.

For the purpose of Paragraph 1 of this article "military domain" refers to land which constitutes immovables of the YPA and other land which is socially owned or owned by individuals and is used by military units or military institutions on whatever legal basis (lease, loan, etc.), except land on which structures of the housing stock of the Yugoslav People's Army (hereinafter the "housing stock of the YPA") have been built.

The land referred to in Paragraph 3 of this article as the military domain shall be so considered even if structures have not been built on it or when it has not been enclosed or guarded by a military sentry.

#### Article 44

The contract whereby an immovable of the YPA is conveyed, loaned for temporary use, or leased, or whereby a real easement is established pertaining to it shall be nullified if it has been concluded contrary to the provisions of Articles 34, 35 and 36, and Article 40, Paragraph 2, of this law.

A suit to nullify a contract pursuant to Paragraph 1 of this article may be filed within 1 year from the date when the contract was concluded.

#### Title IV. YPA Housing Stock

##### Article 45

The YPA housing stock is made up of residential buildings, apartments which are separate sections of buildings, business space and garages located in residential buildings or appurtenant to residential buildings belonging to the YPA housing stock, and accompanying structures, installations and devices which serve that building or part of it exclusively, and which have been built with the resources of the YPA.

##### Article 46

The program of housing construction to meet the needs of active military personnel and civilian employees of the Yugoslav People's Army shall be set forth by the federal secretary in conformity with the medium-term plan for developing, building and equipping the Yugoslav People's Army.

##### Article 47

Housing units belonging to the YPA housing stock shall be assigned for use to active military personnel and civilian employees of the Yugoslav People's Army.

Housing units belonging to the YPA housing stock shall also be allocated for use to persons whose active military service has ended before a decision was made on their application for allocation of housing, unless that service was terminated in one of the following ways:

- 1) at the applicant's request, when the applicant has not qualified for an old-age or disability pension;
- 2) on the basis of a verdict of a military disciplinary court;
- 3) because of loss of rank or grade.

The housing units of the YPA housing stock shall also be allocated for use to civilians whose employment in the Yugoslav People's Army has terminated before the decision was made on their application for allocation of housing, unless that employment terminated for one of the following reasons:

- 1) because of abandonment of the service, which pursuant to the provisions of the federal law regulating service in the Armed Forces of the Socialist Federal Republic of Yugoslavia, is regarded as willful abandonment of the service;
- 2) at the applicant's request, when he has not qualified for an old-age or disability pension;

- 3) because of a refusal to comply with a final decision on an appointment or transfer to another corresponding job, or if he does not participate in the competition for reappointment to the job he has held up to that time;
- 4) because he did not consent to transfer when under the provisions of the federal law regulating service in the Armed Forces of the Socialist Federal Republic of Yugoslavia service may be terminated without his consent on those grounds;
- 5) because at the time of hiring he concealed information or furnished inaccurate information which influenced his being hired;
- 6) because of a prohibition against performing the tasks of the job he holds;
- 7) because of a conviction carrying a sentence of more than 6 months' imprisonment;
- 8) because of a security measure, reformatory measure or preventive measure pronounced for a period longer than 6 months;
- 9) because of pronouncement of the penalty of discharge from employment in the Yugoslav People's Army.

Housing units of the YPA housing stock shall also be allocated for use to members of the families of persons referred to under Paragraphs 1 through 3 of this article who have been killed or have died.

When the decision is being made on the size of the housing unit to be allocated for use to the persons referred to under Paragraphs 1 through 4 of this article, consideration shall be given not only to the holder of the right of tenancy, but also to members of his immediate family (spouse, legitimate children, illegitimate children, stepchildren and adopted children) living in the same household, if they have not solved their housing problem on the basis of employment or in some other manner, and to his parents or the parents of his spouse if they are actually supporting them, if those parents live in the same household with them, and if on the territory of the Socialist Federal Republic of Yugoslavia they do not have the right of tenancy to a socially owned housing unit nor an apartment nor family dwelling of their own which they can use as housing.

When the decision is being made on an application for allocation of housing to a person as referred to in Paragraphs 2 through 4 of this article, the size and makeup of the unit allocated for use shall be determined according to the conditions which had been met at the moment of termination of service or debt of that person whose prior service in the Yugoslav People's Army is the basis for allocation of the housing unit in the YPA housing stock or according to the altered conditions whereby that person was entitled to a smaller housing unit.

The persons referred to in Paragraphs 1 through 4 of this article shall also be allocated for use socially owned housing units which the Yugoslav People's



Army has the right to allocate, though they do not constitute immovables of the YPA in the context of this law.

As an exception to the provisions of Paragraphs 1 through 4 of this law, in garrisons where there is a surplus of housing units in the housing stock of the Yugoslav People's Army, those housing units may be allocated for use to persons entitled to a monthly money compensation because of termination of active military service on grounds of the needs of the service, to recipients of old-age pensions under regulations on old-age and disability insurance of military insureds, and, as an exception, to peacetime disabled military persons as well in disability groups I and II.

#### Article 48

Housing units of the housing stock of the Yugoslav People's Army may be allocated for temporary use as official using to active military personnel and civilian employees of the Yugoslav People's Army who are transferred and who do not have housing in the town where they are employed.

Official housing units are defined as housing units whose use is related to performance of specific official positions as prescribed by the federal secretary.

The federal secretary shall prescribe more detailed conditions for the allocation and use of official housing.

#### Article 49

The contract on use of a housing unit may be canceled in the case of a person as referred to in Article 47, Paragraph 1, of this law who has been granted use of a housing unit of the YPA housing stock, should his service in the Yugoslav People's Army terminate at his request before he has served 10 years.

As an exception to the provision of Paragraph 1 of this article, the contract on use of a housing unit may also be canceled in the case of a person who has served in the Yugoslav People's Army longer than 10 years if during that period of service he did not meet the obligations set forth in the federal law regulating service in the Armed Forces of the Socialist Federal Republic of Yugoslavia.

The contract on use of a housing unit may be canceled in the case of a person who was enrolled in active military service for a specified period of time on the basis of a contract if that service terminates at his request before expiration of the term he was to serve in active military service under that contract.

#### Article 50

The federal secretary shall prescribe the following:

- 1) more detailed conditions under which housing units of the YPA housing stock and socially owned housing units which the Yugoslav People's Army has the right to allocate may be allocated for use to the persons referred to under Article 47 of this law;
- 2) the conditions for extending credit to the persons referred to under Article 47, Paragraphs 1 through 4, of this law: for construction or acquisition of a dwelling or apartment; for adaptation, reconstruction, modernization or rehabilitation of a dwelling or apartment, and for conversion of common rooms and other rooms to residential rooms;
- 3) the jurisdiction of military authorities which shall decide in the first and second instance on the allocation of housing units for use and the procedure before such authorities;
- 4) the conditions under which users of housing units may exchange housing units;
- 5) the conditions under which users of housing units shall be granted permits to use the housing unit to conduct a business on the basis of self-employment and the conditions under which the housing unit or portion of it may be sub-let;
- 6) the conditions and procedure for conversion of common space and other space to living space.

The federal secretary, after having first obtained the opinion of the Assembly of the Community of Interest for Housing Construction and Acquisition of Housing Units for the Needs of Active Military Personnel and Civilian Employees of the Armed Forces of the Socialist Federal Republic of Yugoslavia, shall prescribe the standard criteria governing optimum use of housing units belonging to the housing stock of the Yugoslav People's Army, the manner in which surplus housing space shall be ascertained, the obligation of the holder of the right of tenancy to pay a charge on the surplus housing space, and the manner in which the revenues collected on the basis of that charge shall be used.

#### Article 51

A person as referred to in Article 47 of this law who feels that the allocation of a housing unit for use to another person has essentially violated the procedure for allocation of housing as envisaged by the regulation referred to in Article 50 of this law, if the violation of procedure could essentially affect the act of allocating the housing unit, or who believes that the person who received the housing unit for use does not meet the conditions envisaged by this law or the regulation enacted on the basis of law, shall be entitled to institute an administrative dispute by filing a complaint with the Supreme Military Court in Belgrade.

For the purpose of Paragraph 1 of this law, it shall be assumed that the violation of procedure could have essentially affected the act of granting the housing unit if that act was not made public in the manner set forth in the

regulation referred to in Article 50 of this law or if the criteria for determination of priority and the priority set forth in that regulation were violated.

A person referred to in Article 47 of this law may also institute an administrative dispute before the Supreme Military Court against a decision which has finally refused or rejected his application for allocation of a housing unit for use.

#### Article 52

If it is found that a final conclusion granting a petition for a housing unit or a final decision allocating a housing unit for use enacted on the basis of untruthful facts or evidence, or if it is found that on the basis of facts which existed at the time the conclusion or decision was made, or if they came about after it was made, but before the housing unit was occupied, a different conclusion or decision should have been made, the agency allocating the housing unit shall automatically or upon application of an interested person nullify that conclusion or decision or replace it with a new one within a period of 1 year from the date it learns of those facts, but no later than 3 years from the date the housing unit was moved into.

The conclusion or decision shall be nullified or modified by the agency which issued it.

An appeal may be filed with the competent body in the second instance against a conclusion or decision as referred to in Paragraph 1 of this article which has been made by the agency in the first instance, and an administrative dispute may be instituted against the ruling made by the agency in the second instance.

#### Article 53

The provisions of this law on management of the resources of the YPA and disposition of the resources of the YPA shall also apply to the resources of the YPA housing stock unless this law or specific federal law provides otherwise.

The management of housing units and residential buildings built with the resources of the YPA housing stock shall be regulated by a specific federal law.

#### Title V. Movables of the Yugoslav People's Army

#### Article 54

For the purpose of this law "movables of the Yugoslav People's Army" (hereinafter "movables of the YPA") means physical property and animals.

#### Article 55

Movables of the YPA may be sold or conveyed in some other manner if they are not necessary or are not suitable for further use in the Yugoslav People's Army, pursuant to the provisions of this law.

Movables of the YPA may be sold to civil juridical persons, individuals and their associations if under general legislation they can acquire the right of ownership to such property.

The federal secretary may establish specific sales organizations as military institutions for the purpose of selling movables of the YPA.

The federal secretary shall issue regulations on the sale or conveyance in some other manner of the movables of the YPA.

#### Article 56

Physical property may be used without compensation to meet the needs of territorial defense or other needs of nationwide defense if this is in the particular interest of the Yugoslav People's Army and nationwide defense.

Physical property may in exceptional cases also be released with or without compensation in other cases when this is in the particular interest of nationwide defense and the country's security.

The existence of the interest shall be ascertained by the federal secretary in the case referred to in Paragraph 1 of this article and by the Federal Executive Council in the case referred to in Paragraph 2 of this article.

#### Article 57

Physical property intended for the purpose of making the Yugoslav People's Army better known and understood within the country and abroad may be given without compensation to sociopolitical communities, organizations of associated labor, self-managing communities of interest and other self-managing organizations and communities, sociopolitical organizations and other public organizations, civil juridical persons, individuals and their associations.

The federal secretary shall issue regulations on the conditions and manner of the gift of physical property in the context of Paragraph 1 of this article.

#### Article 58

Movables of the YPA may be given for temporary use to sociopolitical communities, organizations of associated labor, self-managing communities of interest and other self-managing organizations and communities and to sociopolitical organizations and other public organizations.

#### Article 59

A regulation issued by the federal secretary may define the period of use and possession of certain items of property as a function of their purpose and nature.

## Title VI. Use of Resources of the YPA and Disposition of Resources of the YPA

### 1. General Provisions

#### Article 60

The federal secretary and commanding officers of military units and military institutions shall be responsible as controllers for the lawful and economical use of resources of the YPA for the intended purpose and for disposition of the resources of the YPA.

The federal secretary shall be the controller for all resources of the YPA.

The commanding officers of military units and military institutions shall be the controllers for the resources of the YPA made available to military units and military institutions for use and disposition as authorized authorities in physical and financial transactions.

The rights and duties of the controllers referred to in Paragraphs 2 and 3 of this article may also be exercised and discharged by other military officers authorized by the federal secretary as assistant controllers.

The federal secretary may authorize the director of the Federal Directorate for Sales and Reserves of Special-Purpose Products to exercise the rights and discharge the duties of the controller in the transactions of that directorate to meet the needs of the armed forces of the Socialist Federal Republic of Yugoslavia.

A regulation of the federal secretary shall designate the authorities in physical and financial transactions in the Yugoslav People's Army and shall define the rights and duties of controllers.

#### Article 61

In addition to the controllers, the accountants shall also be responsible for the lawful use of the resources of the YPA and for disposition of the resources of the YPA.

The federal secretary shall prescribe which persons in the Yugoslav People's Army are regarded as accountants as well as their rights and duties.

#### Article 62

The property which comprises the resources of the YPA shall not be depreciated or amortized.

As an exception to the provision of Paragraph 1 of this article, the federal secretary may prescribe that certain articles used in peacetime by the Yugoslav People's Army be depreciated and the manner in which the depreciation of such articles shall be computed.



### Article 63

The resources of the YPA and their money value shall be written off as follows:

- 1) if they are technically obsolete for the needs of the Yugoslav People's Army;
- 2) if they cannot be put in a condition for further use by an economical repair;
- 3) when their service life has expired and if specialized analysis ascertains that they are not in proper condition;
- 4) if loss occurs in handling and shipment in the form of shrinkage, spillage, loss, breakage, etc.--within the limits of the prescribed rates;
- 5) if they are destroyed because of natural disasters, epidemics, prevention of the spread of infectious diseases and other exceptional circumstances, not through the fault of the responsible accountant, controller or any other person;
- 6) if they are used for experiments, analyses and research;
- 7) if the person responsible for the damage cannot be ascertained or if the person who caused the damage, in accordance with regulations on the financial accountability of military persons and civilian employees in the Yugoslav People's Army, is not required to make up the loss;
- 8) if the duly authorized agent, using his legal authority, acts as an agent to withdraw the claim or other demand before the dispute, during the dispute or during execution proceeding;
- 9) in other cases in which the interests of the Yugoslav People's Army so urge, under the conditions prescribed by the federal secretary.

### Article 64

In exceptionally warranted cases commanding military officers authorized by the federal secretary may proclaim certain improper payments liquid and waive collection of contractual penalties and other claims under the conditions, in the manner and up to the amount prescribed by the federal secretary.

### Article 65

The resources of the YPA shall be used and disposed of on the basis of the order or other act (hereinafter "order") of the controller.

### Article 66

The accountant is required to execute only orders on use of the resources of the YPA and disposition of the resources of the YPA which are based on law and regulations enacted on the basis of law.

If he feels that execution of an order concerning use of the resources of the YPA and disposition of resources of the YPA does not meet the conditions stated in Paragraph 1 of this article, the accountant is required to so notify the controller in writing.

The controller may decide that the order issued on use of the resources of the YPA and disposition of the resources of the YPA shall be executed in spite of the warning. In that case he is required to repeat the order concerning use of the resources of the YPA and disposition of the resources of the YPA in writing.

The accountant is required to execute the renewed order and shall not be accountable for its execution.

The controller who has repeated an order is required after the order has been executed to so inform the officer designated by the federal secretary.

If the officer referred to in Paragraph 5 of this article finds that the order was not lawful, he shall institute proceedings for recovery of the loss under the provisions of the federal law regulating service in the Armed Forces of the Socialist Federal Republic of Yugoslavia and regulations enacted on the basis of that law.

#### Article 67

The Federal Secretariat for National Defense and military units and military institutions shall make purchases and let contracts for performance of jobs and services by public auction or direct negotiation.

The federal secretary shall prescribe in what cases purchasing and the letting of contracts for performance of jobs and services as referred to in Paragraph 1 of this article shall be done by public auction and the conditions for conducting the public auction.

#### Article 68

If general legislation envisages security for payment for purchases, jobs and services, the Federal Secretariat for National Defense and military units and military institutions shall provide security of payment according to that legislation.

As an exception to the provision of Paragraph 1 of this article, security shall not be made for payment in the case of construction of capital investment projects and purchases or manufacture of capital goods for the needs of the Yugoslav People's Army.

The federal secretary shall designate the projects and equipment referred to in Paragraph 2 of this article.

## Article 69

If general legislation provides that evidence on the securing of funds for payment of construction of capital investment projects from the resources of the YPA be appended, the confirmation of the federal secretary or person whom he so authorizes shall serve as evidence that resources for payment have been furnished in the financial plan of the YPA.

## Article 70

Military units and military institutions may keep cash for current payments up to the amount of the cash drawer maximum fixed by regulation of the federal secretary.

## Article 71

Military units and military institutions may issue advances for travel and other expenses under conditions defined in regulations governing reimbursement of such costs.

## Article 72

Military units and military institutions may in exceptional cases perform jobs and render services for compensation to government agencies, organizations of associated labor, self-managing communities of interest and other self-managing organizations and communities, sociopolitical organizations, and other public organizations, individuals and associations of individuals.

Military units and military institutions are entitled only to reimbursement of actual costs for jobs done and services rendered in cases of natural disasters, dangers to the life and health of citizens or to the safety of public property and the property of individuals, as well as in other cases when removal of the hazard or irreplaceable loss require the help of the Yugoslav People's Army.

Military units and military institutions shall not be entered in the court register for performance of jobs and rendering of services, nor shall they be registered in any other manner whatsoever, but books shall be kept for those jobs and services according to the regulations issued by the federal secretary.

The federal secretary shall prescribe the cases when military units and military institutions shall collect costs for services rendered as referred to in Paragraph 2 of this article as well as what is meant by actual costs in the context of that paragraph.

## 2. Special Provisions on Certain Military Institutions

## Article 73

The federal secretary shall prescribe the general conditions for business operation, the manner in which gross income and income shall be ascertained and distributed, and the manner of distribution of funds for personal incomes and

social service expenditure in the military institutions referred to in Article 7 of this law.

#### Article 74

If a military institution governed by Article 7 of this law has been conducting its business at a loss and if it is unable to cover the loss incurred with the resources of that institution or resources which can be formed by the regulation referred to in Article 73 of this law as a joint reserve to cover the losses of those military institutions, the loss that occurs through the performance of jobs or rendering of services to meet the needs of military units and military institutions or the Federal Secretariat for National Defense may also be covered from the resources of the YPA financial plan, in the manner and under the conditions prescribed by the federal secretary.

#### 3. Special Provisions on the Resources and Physical and Financial Transactions of the Federal Directorate for Sales and Reserves of Special-Purpose Products

#### Article 75

The Federal Directorate for Sales and Reserves of Special-Purpose Products (hereinafter the "Directorate") shall conduct transactions involving the purchase and sale of armament and military equipment and other special-purpose products and services and the transactions to create reserves of funds to meet the needs of that commerce, in conformity with the provisions of this law.

The Directorate shall manage and dispose of resources under regulations governing the management and disposition of resources of the YPA unless this law or regulations enacted on the basis of this law provide otherwise.

The director of the Directorate shall be accountable as the controller for the lawful and economical use of the resources for the assigned purpose and for disposition of the resources of the Directorate.

Certain rights and duties of the controller referred to in Paragraph 3 of this article may be exercised and discharged by other staff members of the Directorate authorized by the director of the Directorate as assistant controllers.

#### Article 76

In carrying out its tasks the director shall use resources formed as follows:

- 1) from the resources which the Directorate realizes through conduct of business in foreign commerce;
- 2) from funds designated in the financial plan of the Federal Secretariat for National Defense;
- 3) from funds which organizations of associated labor which are manufacturers of armament and military equipment and other special-purpose products and

services and other organizations of associated labor pool with the Directorate in order to promote foreign commerce and creation of reserves;

- 4) from resources obtained through credits;
- 5) from depreciation;
- 6) from resources obtained on some other basis.

#### Article 77

The resources of the Directorate shall be set forth in the financial plan of the Directorate for each year and shall be disposed of for the following purposes:

- 1) to cover material costs and depreciation;
- 2) to cover legal and contractual obligations;
- 3) for the personal incomes and social service expenditures of the work community;
- 4) for expansion of plant and equipment;
- 5) for the reserve fund;
- 6) to form reserves of armament and military equipment to meet the needs of export and to preserve those reserves;
- 7) to finance the functions of commerce, development and production of armament and military equipment and other special-purpose products and services which arise out of the pooling of resources with the resources of other organizations and bodies;
- 8) to furnish funds for the credit financing of exports of armament and military equipment and other special-purpose products and services under a social compact, self-management accords and contracts.

The final results of the business operation of the Directorate in the past year shall be set forth and distributed in the Directorate's year-end financial statement.

The Directorate's year-end financial statement shall be adopted by the end of February of each year for the previous year.

The director of the Directorate shall issue the financial plan and year-end financial statement of the Directorate subject to consent of the federal secretary.



#### Article 78

The Directorate shall keep books in conformity with regulations on bookkeeping in the Yugoslav People's Army, using the specific accounting plan and enforcing other regulations as issued by the federal secretary.

In bookkeeping, the financial plan and year-end financial statement the Directorate is required to furnish data on the basis of which it is possible to examine the business results which the Directorate has achieved in performing tasks in its own name and on the account of organizations of associated labor and other participants in transactions.

#### Article 79

In performance of its tasks the Directorate may in conduct of its business act in its own name and on its own account, in its own name and on the account of others, and also in the name and on the account of others.

Within the limits of the conduct of its business the Directorate may also engage in the business of representing foreign firms.

#### Article 80

The resources which the Directorate realizes in the conduct of its business shall be kept in its giro account or foreign exchange account.

The resources which the Directorate realizes by conducting transactions in the foreign commerce of armament and military equipment and other special-purpose products and services in its own name, but on the account of organizations of associated labor manufacturing or participating in manufacturing of armament and military equipment and the Federal Secretariat for National Defense, after deduction of operating costs and other expenditures of the Directorate, belongs to those organizations and to the Federal Secretariat for National Defense, pursuant to the self-management accords or contracts.

#### Article 81

The Directorate shall have a reserve fund.

The resources of the reserve fund of the Directorate shall be formed by the setting aside of a certain percentage of the annual amount of money resources envisaged by the Directorate's financial plan for the conduct of business in the relevant year.

The percentage referred to in Paragraph 1 of this article shall be fixed each year in the Directorate's financial plan.

When the resources of the reserve fund reach 5 percent of the average amount of resources referred to in Paragraph 2 of this article over the last 3 years--the obligation to make an appropriation to the reserve fund ceases.

## Article 82

The resources of the Directorate's reserve fund shall be used to cover losses incurred in conduct of the Directorate's business and to finance the formation and use of reserves of special-purpose products for which funds have not been envisaged or have not been envisaged in sufficient amount in the Directorate's financial plan.

The Directorate may also use the resources of the reserve fund as working capital.

## Article 83

The Directorate shall compute depreciation on fixed capital.

The federal secretary shall prescribe the rate and manner of computation of depreciation.

## Article 84

The work community of the Directorate shall realize and distribute income from the resources of the Directorate pursuant to the provisions of law and the regulations governing the realization and distribution of income of work communities of federal administrative agencies and federal organizations, unless this law provides otherwise.

## Article 85

The general act on the internal organization and operation and the general act on the organization chart of tasks and jobs in the Directorate shall be issued by the director of the Directorate subject to consent of the federal secretary.

The general acts of the Directorate regulating reimbursement of traveling and other expenses within the country and abroad and the costs of entertainment and public relations shall be issued by the director of the Directorate subject to consent of the federal secretary.

## Article 86

With respect to inspection and oversight over the preservation of the resources of the Directorate and disposition of the resources of the Directorate and also with respect to the duties and responsibilities of controllers and accountants the provisions of this law on inspection and oversight over the preservation and use of the resources of the YPA and disposition of the resources of the YPA and concerning their use and disposition shall apply.

## Article 87

The federal secretary shall issue regulations on the business operation of the Directorate, on the use of resources, on the keeping of books and on the manner of drawing up the financial plan and year-end financial statement of the Directorate.

## Title VII. Obligations to Sociopolitical Communities, Self-Managing Communities of Interest and Other Organizations and Communities

### Article 88

Taxes and other charges on the money resources of the YPA which are invested in the immovables of the YPA, in special plants for the production of armament and military equipment or other facilities especially important to national defense, in the purchase or manufacture of capital goods for facilities used by the Yugoslav People's Army, or to equip military units and military institutions may be introduced only by federal law.

The federal secretary, in agreement with the official who heads the federal administrative agency competent for financial affairs, shall establish the plants and the equipment qualifying as capital goods referred to in Paragraph 1 of this article.

For the purpose of this article "taxes and other charges" means taxes, customs duties, administrative fees and other charges envisaged by federal, republic or provincial, or opstina regulations.

The Yugoslav People's Army is not required to set aside funds for compulsory loans on the money resources of the YPA which it invests in the purposes referred to in Paragraph 1 of this article, nor to pay contributions established by regulations of sociopolitical communities, except for contributions which are paid pursuant to the provision of Article 90 of this law as compensation for services rendered on the basis of contract or self-management accord, unless such obligations have been established by federal law.

### Article 89

The Yugoslav People's Army is not required to pay contributions for the use of municipal land established by regulations of sociopolitical communities, for the use of municipal land for military purposes, for structures and areas for training, housing and operation of military units and military institutions, nor for the housing and storage of resources of the YPA.

As an exception to the provision of Paragraph 1 of this article, when land, structures and areas managed by the Yugoslav People's Army are turned over for use without compensation, leased or loaned to organizations of associated labor, self-managing organizations and communities, sociopolitical organizations or other public organizations, civil juridical persons, individuals and their associations, the contribution for use of municipal land shall be paid in accordance with regulations of sociopolitical communities.

### Article 90

The Yugoslav People's Army shall not be required to pay the water contribution established by regulations of sociopolitical communities on land and water management facilities, installations and devices which constitute resources of the YPA, and which are intended to meet the needs of nationwide defense and

for the use of water for the regular activity of military units and military institutions.

Military units and military institutions shall pay a charge to water management and other organizations and communities rendering them services, such charge to include funds for capital investments in the activities which those organizations and communities carry on.

As an exception to the provision of Paragraph 2 of this article, military units and military institutions shall not pay to water management and other organizations and communities rendering them services a portion of the charge intended for capital investments if funds for capital investments are furnished for that activity from the resources of the YPA.

If funds for capital investments in the activities in which water management and other organizations and communities render services to military units and military institutions are furnished only partially from resources of the YPA, the military units and military institutions shall pay a portion of the charge intended for capital investments in that activity reduced in proportion to the share of the resources of the YPA in those investment projects, which shall be established by a contract between the military unit or military institution and the water management or other organization and community which renders the service.

#### Article 91

If general legislation envisages the payment of fees for municipal services and utilities, military units and military institutions shall not pay such fees on articles and services which are used in relation to their regular activity.

#### Article 92

Military units and military institutions are not required to pay charges for services they perform themselves to the municipal service organizations which render those services to other users.

The federal secretary shall prescribe which municipal services military units and military institutions shall perform themselves.

#### Article 93

Military units and military institutions are exempted from obligations to sociopolitical communities for jobs done on the direct-labor basis and for the manufacture of products to meet the needs of the Armed Forces of the Socialist Federal Republic of Yugoslavia.

Military units and military institutions shall pay only the turnover tax on the services which they render and on the products which they sell to users outside the Armed Forces of the Socialist Federal Republic of Yugoslavia, provided the turnover tax is paid on such services or products pursuant to general legislation.

Military institutions referred to in Article 7 of this law shall pay obligations to sociopolitical communities in accordance with general legislation for the services and other activities which they perform for users outside the Armed Forces of the Socialist Federal Republic of Yugoslavia.

As an exception to the provisions of Paragraphs 2 and 3 of this article, military units and military institutions shall not pay the turnover tax and other obligations to sociopolitical communities if they render services to users outside the Armed Forces of the Socialist Federal Republic of Yugoslavia in a case of natural disasters, danger to the life and health of the citizenry or safety of the property of an organization of associated labor, self-managing communities of interest and other self-managing organizations and communities, sociopolitical organizations and other public organizations and individuals, as well as in other cases when the aid of the Yugoslav People's Army is urgently necessary to remove a danger to property and human health and life.

#### Title VIII. Bookkeeping and Records on the Resources of the YPA

##### Article 94

The Federal Secretariat for National Defense and military units and military institutions are required to keep books and records on the status and changes in the resources of the YPA used under the provisions of this law.

##### Article 95

A military cadastre shall be kept on the immovables of the YPA.

The federal secretary shall prescribe the contents of the military cadastre and the manner in which it shall be kept.

##### Article 96

The Social Accounting Service shall keep records on performance of the YPA financial plan within the scope and in the manner set forth by the director general of the Social Accounting Service, in agreement with the federal secretary.

#### Title IX. Auditing and Supervision Over the Preservation and Use of the Resources of the YPA and Disposition of the Resources of the YPA

##### Article 97

The preservation and use of the resources of the YPA and disposition of the resources of the YPA and physical and financial transactions within the Yugoslav People's Army shall be subject to auditing.

##### Article 98

Auditing shall be done as to the preservation and use of resources of the YPA and disposition of the resources of the YPA and physical and financial



transactions within the Yugoslav People's Army according to the provisions of the federal law regulating the Social Accounting Service, this law, and regulations enacted on the basis of those laws.

The Federal Secretariat for National Defense and military units and military institutions shall in the context of general legislation file with the Social Accounting Service only those data on the resources of the YPA specified by mutual agreement between the federal secretary and the official who heads the federal administrative agency competent for financial affairs.

#### Article 99

Supervision and other forms of internal auditing of the preservation and use of resources of the YPA and disposition of resources of the YPA and physical and financial transactions within military units and military institutions shall be organized and conducted by commanding officers of military units and military institutions to which those resources have been given for use and by superior military officers.

#### Article 100

The Federal Secretariat for National Defense shall audit and supervise enforcement of regulations on the production and sale of goods and services by military units and military institutions and organizations of associated labor and individuals who produce and sell goods and render services on military property to meet the needs of members of the Yugoslav People's Army.

Authorities of the Federal Secretariat for National Defense shall audit and supervise military institutions and hostelry organizations of associated labor engaged in the rendering of hostelry services to members of the Yugoslav People's Army within military units and military institutions--with respect to enforcement of regulations on the rendering of hostelry services and on technical health standards for the rendering of those services.

A regulation of the federal secretary shall define in more detail the rights and duties of the authorized inspectors referred to in Paragraphs 1 and 2 of this article in performing the functions of inspection, pursuant to the general regulations that apply to the inspection in question.

#### Title X. Year-End Financial Statement

#### Article 101

The Federal Secretariat for National Defense shall compile a year-end statement on execution of the YPA financial plan after the budget year has ended.

The year-end statement on execution of the YPA financial plan shall set forth the performance of tasks and the level of money resources of the YPA approved and spent and shall distribute the unspent money resources of the YPA.

The federal secretary shall issue the year-end statement on execution of the YPA financial plan.

#### Article 102

Military units and military institutions shall set forth the performance of tasks, the money resources of the YPA approved and spent during the budget year and distribution of unspent money resources of the YPA in a year-end statement on execution of their respective financial plan.

The commanding officer of the military unit and military institution shall issue the year-end statement on execution of the financial plan of the unit or institution, and it shall be subject to the approval of his superior officer.

Title XI. Specific Provisions on Expropriation and Transfer of Rights With Respect to the Disposition, Use and Management of Socially Owned Property and Rights

#### Article 103

Expropriation may be carried out under the general conditions defined by law for the construction of military projects and conversion of existing structures as military facilities to meet the needs of the Yugoslav People's Army and for the construction and conversion of such structures as facilities particularly important to defense of the country.

The federal secretary shall ascertain the existence of the general interest in construction and conversion of structures as described in Paragraph 1 of this article.

If it is found to be necessary because of the urgency of the work or to remove some considerable damage to resources of the YPA, the federal secretary may decide that an immovable being expropriated for construction of projects as referred to in Paragraph 1 of this article be taken possession of even before the act of expropriation becomes enforceable.

#### Article 104

The right to dispose of socially owned property and rights, their use and management may be conveyed to the Yugoslav People's Army under the general conditions defined by law for construction of military facilities to meet the needs of the Yugoslav People's Army and facilities particularly important to defense of the country.

The provisions of Article 103, Paragraphs 2 and 3, of this law shall be suitably applied to the transfer of rights referred to in Paragraph 1 of this article.

## Title XII. Authorization To Issue Regulations

### Article 105

The federal secretary is hereby authorized to issue the following regulations: on placement of the money resources of the YPA in specific accounts and on the manner of their use; on standard criteria and manner of use of resources for social services; on rates of spillage of materials; on compiling the YPA financial plan and the financial plans of military units and military institutions; on the conditions and manner of issuing advances; on use of the resources of the YPA by military units and military institutions; on purchases, jobs and services; on the setting of prices of products and services in military units and military institutions; on the manner of payment of personal incomes and other money benefits to military personnel and civilian employees of the Yugoslav People's Army; on the nomenclature of resources of the YPA; on bookkeeping and records concerning the resources of the YPA; on the year-end financial statement on execution of the YPA financial plan and the year-end financial statements of military units and military institutions; on supervision and internal auditing of the preservation and use of resources of the YPA and over disposition of the resources of the YPA.

## Title XIII. Transitional and Final Provisions

### Article 106

The regulations or general acts to implement this law shall be issued or brought into conformity with the provisions of this law within 6 months from the date when it takes effect.

### Article 107

The Law on Resources and Financing of the Yugoslav People's Army (SLUZBENI LIST SFRJ, No 56, 1974, and No 8, 1981) shall cease to be valid on the day when this law takes effect.

### Article 108

This law shall take effect on the eighth day after publication in SLUZBENI LIST SFRJ.

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## LCY, SAWPY OFFICIALS DISAGREE ON ELECTIONS

AU112221 [Editorial Report] Belgrade BORBA in Serbo-Croatian in its weekend issue of 27/28 October on page 2 carries a 2,000-word article by Kiro Hadzivasilev, member of the LCY Central Committee Presidium, entitled "To Cherish a Democratic Atmosphere," in which he criticizes Nenad Bucin, member of the SAWPY Federal Conference Presidium, for misinterpreting his statement at a SAWPY Presidium session; the next weekend issue of BORBA on 3/4 November on page 2 carries a 2,000-word article by Nenad Busin entitled "Is This Precisely the Way 'To Cherish a Democratic Atmosphere'" in which he replies to the previous article.

In his article, Kiro Hadzivasilev first cites from a passage entitled "He Said and Fled" boxed within a BORBA report on the 4 October session of the SAWPY Presidium quoting Bucin who criticized Ribicic and Hadzivasilev for advocating the one-candidate system in elections at a 20 January session and then "disappearing," without allowing others an "opportunity for rejoinder." As a reply, Hadzivasilev quotes his own words at the session in January when he spoke on the number of candidates for elections. He quotes himself as saying that the problem cannot be reduced to a "bare general formula" and that such an interpretation of the formula of several candidates as exists "inevitably leads to political confrontations." The essence of the problem is, he said, a "democratic self-managing procedure which will ensure an adequate real participation of all social subjects in this important political act." Preliminary initiatives and proposals made by organized political forces should be given to assemblies of working people and citizens who then would democratically declare themselves on the candidates and possibly add their "views and additional assessments on other possible candidates."

Hadzivasilev further quotes himself to have said that direct voting for several candidates can hardly avoid confrontation between the candidates or political differentiation that looks as if "two or more political forces are waging mutual electoral struggle for a certain position," and "such phenomena do not correspond to our view of democracy." He recalled bad experiences with such elections "in the past periods"; the results were conflicting groups "dragging into their personal struggles some of our organs, organizations, and so on."

Hadzivasilev then quotes his additional speech at the same session, expounding further on his concept. He did mean that there should be several candidates, but only during the process of nomination; then a debate follows and lasts until a list of candidates is established which then goes to the electoral body. Parties in the bourgeois multiparty system do the same, he claimed--each party has only one candidate at the end. In our case, "if one person is to be elected for a post and an electoral body has to choose between two or more candidates, their mutual political confrontation is inevitable."

Hadzivasilev further claims that there was time between his two speeches for anyone to react and calls Bucin's belated reaction a "crude attempt at political disqualification, lacking explanation and arguments." We have "to cherish a democratic atmosphere" with our behavior as well, he states at the end of the article.

Reacting to Hadzivasilev's article, Nenad Bucin first quotes the stands of the LCY Presidium issued on the occasion of elections for the SFRY Presidency which everyone had in his hands during the 20 January session as saying that in electing the SFRY Presidency one should start from the principle "that several candidates can be nominated for the same post or function." He then quotes Tito's report to the 11th LCY Congress as stating that "in the process of nomination election, there should be more candidates for each post, including the most responsible ones, provided the candidates fulfil established criteria."

Bucin then quotes a preelection document of the SAWPY Federal Conference of 1982 also advocating several candidates "in the process of nomination and election," as well as his own statement to the Titograd POBJEDA of 18 March 1984.

He further states that "Comrade Hadzivasilev is not the only one who fabricates a sociopolitical situation in which, allegedly, one would not be able to avoid political differentiation and confrontation, and an almost programmatic confrontation of candidates before the voters, as if what is involved are people from different political lists (candidates of different political parties), and not candidates from the unified SAWP list. As if our citizens have no reliable assessments of certain cadres."

"And, finally," Bucin ends the article, "the expression 'he said in fled' does not apply to you at all. Everyone understood that except you. What happened to you?"

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